Okamoto
2589

LAW OFFICES
A. L. WIRIN AND J. B. TIETZ
257 SOUTH SPRING ST.
LOS ANGELES 12
MICHIGAN 9708

December 18, 1944

Okamoto
Selec. Serv.
Case.
CF-12/43
51 Cal

Mr. Clifford Forster
A. C. L. U.
170 - Fifth Avenue
New York 10, N. Y.

Replying to your letter of December 11th, I am the "eminent attorney" responsible for the conviction of Okamoto and six others. They were indicted for conspiracy to violate the draft law. I represented them as private counsel.

The convictions are being appealled to the Tenth Circuit Court of Appeals. Both the trial judge and Court of appeals denied bail on appeal.

Sincerely yours,

A. L. Wirin

ALW:dm

Okamoto

December 11, 1944

Mr. A.L. Wirin
257 South Spring Street
Los Angeles, California

Dear Al:

Someone has informed me that Mr. Kiyoshi Okamoto, a former tenant at Hart Mountain, later at Tule Lake, was "tried for disloyalty and found guilty" and has been sent to a federal penitentiary. I understand that you were eminent counsel for the defense.

What's this all about? It does not make much sense to me one way or the other.

Very sincerely yours,

Clifford Forster
Staff Counsel

CF jg

AMERICAN CIVIL LIBERTIES UNION
170 FIFTH AVENUE
NEW YORK 10, N. Y.

Miss M. Okamoto
Pleasantville Cottage School
Pleasantville, N.Y.

Mr. Kiyoshi Okamoto who had been at Tule Lake was tried for disloyalty and found guilty. He had been defended by A.L. Stein. He was to be sent to a Fed Penitentiary, but his sister has heard nothing from him since that time. She is now trying to locate him & wants to know if we can help her

Dillon Meyer
Okamoto CF

April 6, 1944

PERSONAL

Mr. Dillon Meyer
War Relocation Authority
Washington, D. C.

Dear Dillon,

I enclose a copy of a letter to Okamoto, one of your old customers at Heart Mountain, Wyoming. I want you to see the attitude we have taken toward his repeated demands on us for help.

I would also be obliged if you would tell us whether he has been transferred to Tule Lake and if so, whether solely for disciplinary purposes or for disloyalty. If the latter, in what does the disloyalty consist?

We had assumed that all such evacuees at Heart Mountain were segregated before this.

Sincerely yours,

RNB:AL

April 6, 1944

Mr. Kiyoshi Okamoto
22-8-B
Heart Mountain Center
Wyoming

Dear Mr. Okamoto:

In reply to your letter of March 28th, I have these observations to make:

(1) The men who have refused to accept military draft are within their rights, but they of course must take the consequences. They doubtless have a strong moral case, but no legal case at all.

(2) Men who counsel others to resist military service are not within their rights and must expect severe treatment, whatever justifications they feel.

(3) There is no point at the moment in bringing another test case involving the leave regulations Miss Endo's case raises the right of detention and the validity of the leave regulations, and is already before the Circuit Court of Appeals. It may possibly be that a criminal prosecution for violating the leave regulations might raise the issue in another form, but our lawyers doubt it.

(4) We intend to get a suitable case to test the methods of determining disloyalty and therefore the detention of a large number of American citizens without trial. It is possible that your case might offer the opportunity for such a test through application for a writ of habeas corpus, since we understand that you have been transferred to Tule Lake and were previously cleared as loyal. We are not, however, familiar enough with the fac to be sure of that, for Tule Lake is evidently also being used for disciplinary purposes.

You fellows certainly have a strong moral case, but it is not helped by refusing to comply with the requirements of the draft act. The only possible way such a small minority can get its rights is through the orderly process of the courts in test cases brought under the most favorable circumstances.

We all appreciate your feeling, but we do not think that you can stand solely upon logic or justice if you are to get results.

Sincerely yours,

RNB:AL

cc: Tule Lake Relocation Center
Tule Lake, California

cc: Mr. Kido
Mr. Wirin
Mrs. F. Kubo, 9-2-C, Heart Mountain, Wyoming
Dillon Meyer

Dear Mr. Forster -

The attached is the third of the series of notice and demand.

Please dispose of it in the way you think best. Thank you for the past interest.

Very sincerely

A. Adamoto

Kiyoshi Okamoto
22-8-B
Heart Mountain Center
Wyoming.

March 28th, I944

Mr RogerN.Baldwin
Director...A.C.L.U

I70-5th Avenue
New York City, N.Y.

CF
RCWB

Dear Mr. Baldwin,

Twelve members of the "Fair Play Committee" were given a hearing before U.S. Commissioner M.S.Reynolds in Cody yesterday (Monday, March 27th, I944.) The charge is uncertain yet...probably evasion of the draft or refusal to go to their physical examination. The bond was set at $ 2,000.00 each. (The charge is - evading the Selective Service)

Whatever the charges may be, the point at issue with these twelve men are as follows...They refused to go to the physical examination because it would recognize Army jurisdiction over suspended Citizens in concentration camps;

They desire a clarification of their Citizenship status & rights. before committing themselves one way or the other.

They contend the selective service law does not apply TO them because of the uncertainity of their status.

They contend the Constitution and the Bill of Rights have been infringed upon because of the absence of the due process of law in their evacuation, concentration and detention etc.

They claim these errors and infringements have not been rectified.

They calim the Presidents proclamation with due process of law ~~have~~ terminated the obligations of a Citizens portion of the agreement in loyalty and allegiance.

As such, they contend the Government should have made settlement and proposals before any act to induct them into the Army.

In such wise, they contend the Army possess no jurisdiction over them until after the Constitution and the Bill of Rights have been strengthened aganst any fiture desecration;declaration of their proper place as Citizens of this Nation by either judicial pronouncement or Congressional act.

They contend that their loyalty and allegiance is first due to the Constitution and the Bill of Rights before any other considerations...especially since the President has not been able to justify the cause of this War. Moreover, they are defying the Secretary of Wars order of induction because they believe such compliance will strengthen the tendency towards dictatorship and tyrrany to finally undermine the principles and ideals contained in the Constitution and the Bill of Rights.

Without a challenge at this time to the un-Constitutional acts of the evacuation, pauperization, abduction, concentration and the detention, these twelve men believe DEMOCRACY will soon go to the dogs. It will establish a precedent for others to consider the Instruments of our Government as scraps of paper. There will be no security for any Minority aganst persecution, plunder or injustic

Moreover, these people believe the intensity of the drive carried on by our WRA Administration is of deeper and sinister significance than appears on the surface.

They contend the pressure group on the Pacific Coast is bringing pressure on Mr. Stimson to draft as many Nissei as possib to eliminate any future Nissei problem after the War. The War Secretary indirectly may have influenced the WRA inasmuch as our Mr. Robertson is said to have made a hurried trip to Cheyenne the day after his return from Washington. The objective is to change the place of examination from Cheyenne to Denver. The former place rejected practically all. Denver is more strict. This leniency is objectionable to Robertson. He claims that the remaining Nisseis did not take advantage of the leave clearance to relocate on $ 25.00 pauper's allowance. Thereby, to rid of them, he desires to have the remainder inducted into the Army. You may recall that Mr. Stimson is an ancient agitator aganst Orientals ?

As chairman of this "Fair Play Committee" I am wondering if you can see something worthy of action to protect Civil Liberties and insure the sanctity of the Constitution and the Bill of Rights in the stand these twelve men are taking

Very sincerely

Kiyoshi Okamoto

Kiyoshi Okamoto
Chairman...Fair Play
Committee

22-8-B
Heart Mountain Camp.
Wyoming.

P.S. Tonight, a member of our Committee challenged Administration to his right of arrest by walking out of camp without W.R.A. permit. The F.B.I. and Cop officials decided they could not arrest him as requested by Robertson.

Tomorrow, he expects to challenge the Military guard to prevent his egress and ingress without their permission

By K. O.

RNB
CF 4-4-44

Mr. Roger N. Baldwin
170 - 5th Ave.
New York City. N.Y.

and

Kiyoshi Okamoto
22-8-B
Heart Mountain Center
Wyoming.

December 18th, 1943

TO WHOM IT MAY CONCERN?

As a measure of insurance aganst helplessness, I am predating this appeal. Know then, if this reaches you I am under arrest, confinement or segregation or isolation.

The cause for my suspicions and fears are based upon the fact that I am addressing a series of letters demanding the restitution of my Rights as a Citizen of this Nation to those individuals and departments responsible for my pauperization, evacuation and concentration.

A knowledge of the hitherto WRA practice of isolating, under one pretext or another, those that are rebellious aganst the procedures and methods of the WRA administration or, mindful of the injustices of the evacuation, pauperization and the concentration leads me into the belief that this procedure is wisdom.

In addressing you thus, I am in hopes you are an advocate of Constitutional procedures. That is my reliance in addressing you this appeal...to contribute your voice towards a clarification of the Rights, Freedom, Liberty and Justice designed for the People of this Nation in the Constitution, the Bill of Rights and the various Ammendments.

Sincerely,

Kiyoshi Okamoto
Kiyoshi Okamoto

P.S.
Please communicate with
Mrs. F. Kubo
9-2-C Heart Mtn, Wyo.

Kiyoshi Okamoto
22-8-B
Heart Mountain Center
Wyoming.

December I7th, I943

Jointly to
Mr. Dillon Myers
WRA Director
Washington, D.C.
and to

Guy Robertson
Director Heart Mountain WRA
Wyoming.

Gentlemen,

At the time of the Hospital strike, in which the names of Van Kirk, Hanaoka and Miyahara, were involved, the both of you gave assurance to the Chairmen and Councilmen that the medical staff would be adequately taken care of. That promise has not been observed in view of the fact the GUARANTEE OF HEALTH WAS ONE OF THE ASSURANCES GIVEN US AT THE TIME OF THE EVACUATION.

Since Mr. Myer's visit more that four months ago, representations have been made to Guy Robertson through the Hospital Committee of the Councilmanic Body on several occasions. Only yesterday, a committee visited the hospital for another such representation on the inadequacy of the medical attention. Thus to date the answer to these have been but empty promises.... no result.

Dr. Hanaoka's ~~pham~~ vacancy has never been filled. The present medical staff is composed of three old men and two young doctors of short experience. They are overworked. Their services are unavailable for private calls even. As an illustration, I tried to obtain one of these services in behalf of a little girl of ten years. Her mother is confined in the hospital; her fath-er is just recovering from cold and fever. She has only a grandmother looking after her. The little girl was flushed with fever. But, medical attention is unavailable. There is insuffecient bed in the hospital. Why ?

Another illustration of the result of doctor shortage....For official reasons as past Chairman and Councilman from Block # 22, the under signed have been visiting the waiting room of the Clinic. Result... the room is congested from One O'Clock PM onwards. The waiting interval is excruciatingly painful. On one occasion, I and seven others were told to come back tomorrow because the working time was over. Again, on these visits, we have to submit to doctors in whom we have no confidence. It is dictated whom we shall be treated by. There are three such doctors in whom little confidence is placed. On the other hand, Dr. Hanaoka was highly trusted. The point in question here is the fact the present staff is unable to give satisfactory service to the patients.

As an outgrowth of the doctor shortage, you threw the responsibility of our health upon our shoulders. The doctor's endurance is over taxed; their salary is a trifle; they have no inducement to further exertion in behalf of the Internees. You have made no tangible effort to build their moral in spite of our efforts of representation to you. One of the doctors have been weighing the advisability of relocating...thus leaving only four. As inducement, the Councilmen adopted a measure to levy a tribute of ten cents per month as sacrifice offering or inducement to further effort on the part of the doctors. Now, we question...whose responsibility is the care of our health ? You certainly guaranteed health measures to us...at least, that is one of your mandated responsibilities. Are we expected to dig into our pockets to maintain our medical staff ? Remember, you are paying us the ~~sm~~ measly sum of twelve, sixteen and nineteen dollars per month for work comparable to not less than a ~~hundred~~ hundred dollars by outside standards. This beggarly sum does not answer for other necessities. These accusations could have been eliminated if you had given us consideration at the time of the Hospital strike and Dr. Hanaoka's transfer to Manzanaar. There was too much of self interest involved in that transaction for the wellfare of the Internees. The result is as follows....

We have an epidemic of cold. Pneumonia arising therefrom is considerable.

As an illustration...

There originally were seven dish washers in Mess Hall # 30 of Block # 22. On this date, all are in bed. Substitutes and volunteers...themselves not well...are carrying on. The head cook has been confined the past four days. This makes one hundred percent sick from among the dishwashers.

Next....

Seven out of the fourteen patients in Ward # 7 of the Hospital are stomach ulcer patients. That is fifty percent from improper diet. Dr. Irwin himself is confined in bed; Van Kirk, the head nurse has not been functioning for the past month; many of the patients themselves have contracted cold and pneumonia. One man died suddenly...without notice to his family...from cause originally of cold. In visiting the hospital, proper ventillation is not made. There is no intelligent supervision...shortage of able help. Even a healthy visitor feels relieved when coming out of these wards into contact with fresh air. How come that cold is contracted in the hospital itself where antiseptic measures should be in vogue ?

There is insuffecient beds to satisfy the applications.

There is a shortage of medical service.

Patients are turned away.

Private fees are said to be resorted to

The sum of ten cents are levied from each family head to induce doctors to exertion.

These characteristices are cause of moral and spiritual temptations and demoralization...angles frowned upon by Society and Law. You are placing the cause before us. You punish the infractions of ypur mismanagement. I have reference to Leupp Center and others that have been punished because they rebelled aganst your policies...made without our representation.

As a contributing cause for our weak resistance, the followin is submitted....

(I) Unbalanced diet to be in conformity with our metabolic structure
(2) ...defeciencies of vital elements to which we have been habituated. Vitamine shortage is pronounced.
(20 Inadoptability of the camp site to many. The elevation is too high for the good of the heart, blood pressure, arthritis, rheumatism. It should be remembered that many individuals are subject to nausea at high elevations. The reverse is also true...sea level. Attention has not been given to this aspect in the promiscuous grouping of people in this Center.

The fact remains the health of the People in this Concentration Camp has been jearpodized by your indifference, negligence and, by your tendency to salve the wounds of maladministration with empty phrases.

These conditions exist in the face of the fact that HEALTH IS ONE OF THE GUARANTEES GIVEN US AT THE TIME OF THE EVACUATION. You have failed in your promises and obligations. THE RESPONSIBILITY OF SATISFYING THE OBLIGATIONS IMPOSED UPON YOU THROUGH THE EVACUATION, AND THE CONCENTRATION AND BY FEDERAL AUTHORITY IS STRICTLY WITHIN YOUR PROVINCE TO PERFORM. WE ACCUSE YOU OF PLACING THE CAUSE AND HOLD YOU RESPONSIBLE FOR THE CONSEQUENCES. After all, a promise is a promise; a guarantee is a guarantee. Has justice, democracy and the ideals of Americanism fallen so low that we are constrained to make these accusations? We hereby make demand the foregoing conditions and accusations be rectified.

COMPLAINT # " 2 "

for a room by myself.

The undersigned and some of his friends are not accustomed to live like poultry or like rabbits...strangers promiscuously thrown upon each other in rooms twenty four feet by twenty feet. There are six in my unit. I have made verbal request to the Housing Department on four past occasions. It's manager has hitherto placed these requests contemptuously aside.

A whole year of having to submit to the miseries of mental and spiritual torture arising from the adjustment of temperament idiocrancies and traits and peculiarities of others is about giving my system a breakdown. I am inclined to study; detest noisy garrulity; desire order and neatness. Because of the uncongeniality of my surroundings, I MAKE DEMAND THAT A SEPERATE ROOM BE ALLOTED TO MYSELF. Favoritism is granted to others. I do not intend to stoop to graft and begging for favors. I demand this as an American Citizen to live my life as an American. A stabbing affair has already taken place. They have been punished for cause placed there by you. Is it Justice? This is America...the land of the free. Justice and Democracy are supposed to exist here. They are supposed to be a contributing factor to THE AMERICAN WAY OF LEFE. I place the whole responsibility in case any thing may happen hereafter on you as Cause of Origin

In conclusion, I repeat

(I)...Give us adequate medical services as guaranteed.
(2)...Give me a room to myself and, to others of like mind

Kiyoshi Okamoto

By Kiyoshi Okamoto
Chairman, Fair Play Committee of Heart Mountain

CF/20

Frank Emi
9-21-B
Heart Mountain
Wyoming

May 18, 1944

Mr. Clifford Forster
American Civil Liberties Union
170 Fifth Avenue
New York City, N. Y.

Dear Mr. Forster,

I have enclosed a copy of our latest communication from Mr. Menin. This is his agreement for defending the whole group of sixty three boys now awaiting trial.

After receiving this letter we had a telephone conversation on May 16 with Mr. Menin whereby he agreed to the proposition that we send him $500 now and the balance of the $500 just before the trial. He did not want to go ahead with the case until he got that. The Wyoming attorney with whom he has towork turned out to be Judge Watts as he has stated in his letter. He said he could not get Mr. Walten of Cheyenne.

Thus far we have paid Mr. Menin $500 retainer fee, $250 expense money, and $600 advance on his fees as originally agreed upon. He wants $1000 more for the whole group for the trial in the U. S. District Court. The total cost will be, it seems at present, $2350 plus Judge Watts' fees which will be a minimum of $250 and probably more. 1350

We believe the fees are too much, especially since it is to be a joint trial without a jury. Mr Menin waived a jury trial. Since there is no other course open but to let him finish the case, we have wired him the $500 as half payment on the additional $1000. As we did not wire him the $250 for Judge Watts right away, he collected it from the boys in jail. During the telephone conversation with him he agreed to our request that no advance be made above the minimum fee of $250 to Judge Watts and that if the trial exceeds five days, we would pay Watts every day the trial lasts over the five days.

Also during our phone conversation he stated that the trial was set for June 12 instead of May 22nd.

Could you inform me whether a retainer fee is usually applied towards the fees or not. In our case there was no definite agreement at the time.

As to the appeal, he is not certain whether it can be appealed or not. Would it be possible for him to file notices of appeal if the defendents desire it regardless of whether he thinks it is justified or not? In your opinion, what do you think are the possibilities of appealing this case. We feel that it is necessary to appeal in order to present their reasons and grounds for their stand. Whether they will win or lose the case is not as important as getting their side of the story into the record for the future. If they can win, of course, so much the better. At least they will leave a record that they believe in their citizenship rights and value it enough to fight for it against such unjust acts.

As we kind of lost faith in Mr. Menin because he does not seem to have our best interests at heart and we do not intend to have him handle the appeal case for us, is there any possibility that the American Civil Liberties Union would appeal the case. We do not have very much funds left to retain another attorney like Mr. Menin. If the ACLU will take this appeal case, we will do our utmost to pay the costs. I am sure that we can raise some more money in the event of an appeal. We sincerely hope that you will be able to handle it for us.

In case of an appeal, would it be possible for the whole group to be joined in one appeal or would it be appealed separately? Would that one appeal act as a test case for the rest? Approximately how much would it cost for the appeals including fee, printing costs etc? About how long would it take?

Please let me know as soon as you can regarding this appeal case and the other queries contained in this letter.

Very sincerely yours,

Frank Emi

Frank Emi

SAMUEL D. MENIN

Counselor at Law
Ernest & Cramer Building
Denver, Colorado
Keystone 7509

May 12, 1944

Mr. Arthur Emi
Block 14-23-F
Heart Mountain
Wyoming

Dear Sir:

Pursuant to my conversations with Minoru Tamesa and others when I was in Heart Mountain recently, you will please be informed that I am able to obtain the services of Judge Clyde M. Watts of Cheyenne, Wyoming, who will appear with me as counsel in the trials of the various boys of Japanese origin, when they come up during the week of May 22. His fees will be $50.00 a day, with a minimum fee of not less than $250.00.

As you recall, my arrangement with you was $100.00 for each defendant to be tried and I have received the sum of $600.00 towards that fee, it then being the understanding that there would be approximately twelve defendants to be tried. However, it appears now that there will be in the neighborhood of some fifty or sixty defendants to be tried and under those circumstances I, of course, appreciate that $100.00 for each defendant would be prohibitive. Therefore, I shall be glad to handle the trials of all of the cases involving boys from Heart Mountain for an additional sum of $1,000.00. Thus, if you will send me this amount for my fees and approximately $500.00 for Judge Watts, of which sum I shall pay him $250.00 plus $50.00 for each day the trials will go beyond five days. If the trials do not exeed ten days, I shall return the difference between the extra $250.00 and the amount I will pay Judge Watts. Also, if Judge Watts' fee should exceed the other $250.00, I believe I will have some money on hand from the expense money that was previously sent me, which I will be able to use to pay Judge Watts. Therefore, I suggestthat you send me at your very earliest convenience the sum of $1500.00 to cover these fees and this amount will cover the trials in the District Court. If after those trials are had, Judge Watts and I feel that a situation exists that will justify taking appeals, we will then notify you and also inform you what our fees will be for the appeals.

Please do not delay in getting these fees to us, as it is necessary that definite arrangements be made for these trials at least several days before they occur and it will be only one week from the time that you receive this letter, as to the date of the trials.

Trusting to hear from you without delay, I am,

Sincerely yours,

Samuel D. Menin

SDM/bk

May 19, 1944

Mr. Frank Emi
9 - 21 - B
Heart Mountain
Wyoming.

Dear Mr. Emi:

Many thanks for sending me the information about yourself and the letter from Mr. Ishikawa. With respect to the possibilities of seeking a writ of habeas corpus in your brief, I have written to Mr. Ernest Besig, 216 Pine Street, San Francisco, California, about you and I suggest that in the event you are transferred to Tulle Lake you immediately write to him. Please let me know, however, as soon as you find out about your leave clearance.

The principles for which your friend is fighting, of course, are entirely sympathetic to us but I do not see how that issue can be raised in the criminal proceedings which are being brought. The cases which the Supreme Court will hear next fall will go a long way in clearing up the injustice which has been perpetrated against the American citizens of Japanese ancestry. We are as opposed to concentration camps as you are. Violating the Selective Service law will not challenge or correct the original wrong. Merely because the government has violated the constitution in one case (at least, in our judgment) does not give one the right to violate another law. Thus, as Mr. Baldwin has stated, while morally the case is strong, legally it is weak.

Very sincerely yours,

CF:Y

Clifford Forster
Staff Counsel

May 19, 1944

Mr. Ernest Besig,
216 Pine Street,
San Francisco, Cal.

Dear Ernest:

One of these days, you may get a letter from one Frank Emi who is, at present, at the Heart Mt. Relocation Center. There is a possibility he may be transferred to Tulle Lake. Here are the facts as to his background and you may wish to investigate him further.

"I was born in Los Angeles, California on September 23, 1916. The schools I attended were San Fernando Grammar School and O'Melveny Grammar School, both of San Fernando, California. Junior high and high school at the San Fernando High School, except for the last year and a half of high school at Long Beach Polytechnic High School, Long Beach, Calif. Graduated there in June 1934. Attended Long Beach Junior College and Los Angeles Junior College taking a pre-pharmacy course. Father got quite sick so had to discontinue my education and help out in his retail produce market business. After helping him for three years, started a produce market of my own and in 1940 enlarged it to a complete food market including groceries and meats. This took my entire financial resources as new equipment of various kinds were needed. Was going smoothly until evacuation, at which time, like most other evacuees, I lost all in a forced sale. I was then evacuated to the Pomona Assembly Center and thence on to Heart Mountain. As to my police record, except for minor traffic violations, it is clean. As to my personal habits, I am neither a smoker nor a drinker. As to my marital status, I am married and have two children. The oldest is two years and five months. The younger is five months old".

Very sincerely yours,

Clifford Forster
Staff Counsel

CF:Y

5/18/44

Frank Emi
9 - 21 - B
Heart Mountain
Wyoming

May 15, 1944

Mr. Clifford Forster
American Civil Liberties Union
170 Fifth Avenue
New York City, N. Y.

Dear Mr. Forster,

I received your letter of May 4th through Mr. Tamesa. As he wrote you in his last letter, all correspondence will be made by myself until further notice.

I wish to thank you for your interest in my case regarding my leave clearance. At present I am still without leave clearance as the record of my hearing has been sent to Washington and thus far there has been no reply. At least that is what I have been told by the WRA here. The main reason I wanted leave clearance was for the purpose of going to New York and discuss with you the case of the boys in jail on Selective Service charges.

Could you explain to me just how a writ of habeas corpus will affect my case. I do not believe that it would be wise for me to bring up the matter of habeas corpus for me at this time as we must direct all our efforts for the boys who are in jail. However, at some future date or in case I am deported to Tule Lake, if you will take out a writ of habeas corpus on my behalf, I will appreciate it greatly. I will state below information about my background and what I was doing etc.

A I was born in Los Angeles, California on Sept. 23, 1916. The schools I attended were, San Fernando Grammar School and O'Melveny Grammar School, both of San Fernando, California. Junior high and high school at the San Fernando High School, except for the last year and a half of high school at Long Beach Polytechnic High School, Long Beach, Calif. Graduated there in June 1934. Attended Long Beach Junior College and Los Angeles Junior College taking a pre-pharmacy course. Father got quite sick so had to discontinue my education and help out in his retail produce market business. After helping him for three years, started a produce ~~of~~ market of my own and in 1940 enlarged it to a complete food market including groceries and meats. This took my entire financial resources as new equipment of various kinds were needed. Was going smoothly until evacuation, at which time, like most other evacuees, I lost all in ~~a~~ forced sale.

I was then evacuated to the Pomona Assembly Center and thence on to Heart Mountain.

As to my police record, except for minor traffic violations, it is clean.

As to my personel habits, I am neither a smoker nor a drinker.

As to my marital status, I am married and have two children. The oldest is two years and five monthes. The younger is five montes old. A

That is about all I can think of at the moment. If there is any additional information which you might desire at any time, please do not hesitate to inquire. I will be more than glad to answer them.

I also enclosed a copy of a personal letter from a friend of mine who sent it to me from the jail at Casper. He is one of the group of boys who are awaiting trial for alleged violation of the Selective Service law. I thought it might be of interest to you as it expresses quite clearly how the boys feel about the whole thing. All of their letters home expresses the same kind of feeling as expressed in this enclosed letter.

Sincerely yours,

Frank Emi

Frank Emi

Dear Frank and friends;

We are supposed to leave for Cheyenne on Monday or Tuesday according to what the Marshall has told us. The Grand Jury is scheduled to convene on May 8th.

The fact that at last will come our chance for the trial for which we have so fervently hoped and prayed for all these past months is making us feel restless and impatient. But we are eagerly and determinedly awaiting the day knowing deep within our hearts and minds that no matter how the trial ends that we areare right. Our conscience and our hearts shall be clear knowing that we have had the courage to fight for a fundamental principle. We may lose the verdict, but the verdict shall be man made and with the passing of time, eternal truth and right will come to light; that is my firm belief.

Yes truly, it is the first time since our arrival here that time seems like time and that time does not fly. It seems only a mere three or four days that we have been in confinement when in reality it is about a month and half now.

Word has reached us through a hint the F.B.I. dropped when he visited us here that the prosecution will try to base their case solely on the matter of evading the draft. We are not considering whether to report for the draft or not, to live or to die, as the true issues nor the principle we are fighting for. We are hoping that the government for once and for all time will really try to solve the issue confronting it and not try to evade the issues; clarification of our Constitutional rights and review of the record of it past unjustified and discriminatory acts, and the remedy and rectification of the injustices committed and being —

more

committed on us during evacuation, its attendant pauperization of our people and the detention without cause of loyal citizens. We are hoping that they will do their utmost toward restoring the rightful and untouchable dignity of citizenship that is the birthright of any citizen of this nation.

We are firm in our belief that reinstitution of the draft without the discriminatory features as it applies to us at present should come only after proper clarification and reinstitution of full citizenship rights. The government should make us the free citizens that all loyal citizens of this nation should be before ordering us to serve in the armed force. In our present status of virtual war prisoners with all our civil rights suspended and limited, it is almost impossible for us to face the future without the fear that what has happened to us can always happen again. It is against the recurrence of such history blackening precedents that we are fighting for. We are fighting to make those words "regardless of race, color, or creed" become a reality and not mere vague and hazy ideals; we are fighting to get an interpretation of those immortal words that shall be so universally accepted that future administrations will fear to tamper with it.

Mr. Baldwin has stated "morally our case is strong but legally we are weak" or something to that effect. Just what will be the moral reactions of the citizens of the liberated and vanquished countries when they hear of a United States that keeps its citizens in status comparable to war prisoners behind barbed wires and military police?

He acknowledges that we are morally right. Does he mean that the administration is not morally right in their handling of the Japanese

more

problem on the mainland?

A person who disregards or violates good morals is not well respected by his fellow friends. In likewise, a nation must practice and observe good morals to win the respect of fellow nations, especially in the case of the United States, the nation which will be the spearhead of the post-war reconstruction era and whose responsibility it is to spread the gospel of Democracy and its blessings among the liberated and vanquished nations.

The saying states 'practice what you preach.' It is essential that the United States shall practice what it preaches; that this nation shall practice true democracy--the democracy which gives its blessings and its protection to all its citizens regardless of race, color or creed, now. Otherwise, we may win the war but lost to the militant propaganda of the Japanese government, the philosophy of Asia for Asiatics. Otherwise critics can point out and say America is not a democracy for it discriminates against race and color, has different castes or classes of citizens (free, suspended and virtual prisoners), segregates and isolates one group of citizens from the others, it pits the majority against a helpless minority, it bans the right of a citizen to reside and travel as other citizens, it disregards the fact that a man's home is his castle, it dispossesses, pauperizes and ejects at will any group of citizens, it practices protective custody by which the innocent are placed in confinement, it practices detention of citizens without charge.

The United States must awake and should rectify the errors and injustices committed on us, otherwise this shall remain forever a blot upon the history and conscience of our nation.

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What prompts an individual who fully realizing the priceless value of life and knowing well that we can live but one life, to willingly offer his life in defense of his country? What is he fighting for when he joins the fighting forces?

You say, Democracy, that's what we are fighting for; Democracy, its blessings of freedom and liberty, the pursuit of happiness and livelihood, intolerance, justice and against unjustified persecution.

We wonder, are we blessed with the blessings of Democracy at home? Do we have homes, liberty, freedom and justice? Are we not supposed to be enjoying those sacred blessings and privileges as free citizens before we are to enter the armed forces?

The malignant growth that is cancer, unseen and unfelt at first, can if it remains unchecked long enough ruin and destroy the lives of men, and in a larger sense nations too. The violent propaganda of race hatred and race baiting now being so glibly expounded by these self-styled super patriots can warp and poison the minds of the uninformed and unthinking.

This nation was founded and prospered on the conception that this nation was the haven of those peoples unjustly persecuted and that they would all enjoy the blessing of liberty and freedom, was it not? I wonder what the average American citizens know about our peculiar and unprecedented predicament?

Give us a fair hearing before you judge those of us who suffered themselves to be placed behind bars. Bars which we feared would make us social outcasts in our communities on the west coast are now serving us as the

more

means by which are fighting to obtain our Constitutional rights.

Again I say, getting rejected or evading the draft, those are not issues at hand. There is among us who has stomach ulcers he has had them for five years and been on a doctors diet and prescription and is consequently suffering from the jail menus. We are fighting to restore the rights and dignity of citizenship that is properly due a citizen regardless of his race or color.

Sorry I've rambled at will. Frank, I was wondering if you have forgotten Patrick Henry's 'Give me liberty or give me death' speach. Good thing you didn't think of it while you were in the guardhous cause you might have taken it literally and walked out and shot by the Military police on duty. I guess the moral of the barbed wire fences and guardhouse, the M. P. and your stroll is that you are not a free man. In short, you'll be a free man--but dead.

Please tell all our friends that we are all well and in high spirits. Give them all our best regards.

Stick with your good work and do it to the best of your ability. $16 a mont pay should not be what you are working for. Satisfaction comes from the knowledge that you have given your best to your work.

Sincerely,

George Ishikawa

Minoru Tamesa
14 - 2 - B
Heart Mountain, Wyo.

May 6, 1944

Jap Amer. Select Serv.
Heart Mt. Wyo.

Mr. Clifford Forster
Staff Counsel
American Civil Liberties Union
170 Fifth Avenue
New York City, N. Y.

Dear Mr. Forster,

We have received your letter of the 26th regarding the case of the fifty three boys in custody for violation of the Selective Service act.

Upon receipt of your letter we contacted Mr. Menin and asked him to get in touch with you, but as we had previously made arrangements with Mr. Menin to have him come down to Heart Mountain to discuss this case with us, he said that he would rather write to you after he had a talk with us. Also, that there was no rush as the trial will be held not earlier than the 22nd of May.

Mr. Menin arrived today and we had a discussion with him mainly on obtaining legal counsel for the entire group of fifty three boys. Up to now our arrangement with him was that he would represent the first group of twelve boys at $100 apiece. We asked him what arrangements he could make to represent the rest of the forty one boys as we could not pay him $100 for each defendent. Also, as you suggested we asked him whether the first case could be tried, and in case of an adverse decision, one person out of the group that is tried can make an appeal, or if possible, to have the whole groupof twelve or less be made into one test case for an appeal and let the rest of the forty one boys be handled more or less on a default basis. He was of the opinion that unless each defendent was tried individually and represented by his own legal counsel, they would prebably not be able to file notice of appeal while the test case is being appealed. He said that he would talk to the U.S. Attorney at Cheyenne and see if he could make arrangements whereby the whole group can be tried altogether as one or have them divided into two or three groups and have each group tried separately instead of each defendent being tried individually. He stated that if each case were tried separately, that it would take at least twenty five days for the entire group of fifty three and that $4000 would hardlycover the cost for the first trial. After he has talked to the U.S. Attorney, he will let us know how he will handle the entire group and what the fees would be. Also, he said that he does not have a license to practice in Wyoming and the trial judge will not give him permission

to try the case in a Wyoming court unless he has an associate attorney who can practice in Wyoming sit in on the case with him. That would probably take about three hundred dollars. He mentioned an attorney by the name of Walten of Cheyenne he had in mind and whom he would ask providing his fees were reasonable. He said that Walten was an A.C.L.U. man.

He stated that he would write to you as soon as he returned to Denver and he requested a copy of your letter of April 26 which copy we made for him.

Mr. Menin's attitude on the whole seemed very hazy about the prodeedure of handling the whole group. Of course we will know more about it after he has seen and talked to the U.S. Attorney, after which he will let us know just what his setup will be. We hope that some satisfactory arrangement can be worked out. We will keep you informed of any further developments.

Also, I would like to inform you that from now on until further notice, all communications will be made by Mr. Frank Emi---Block 9-21-B----Heart Mt. Please send any further correspondence to him. I am liable to be picked up by the U. S. marshal at any time now for the same reasons as the boys who are now in jail.

At this time I wish to thank you very kindly for your assistance while I was corresponding with you. I am prepared for whatever the future holds for me in fighting for a principle ~~fax~~ which I believe is right and just.

Very sincerely yours,

Minoru Tamesa

Minoru Tamesa

AMERICAN CIVIL LIBERTIES UNION

NORTHERN CALIFORNIA BRANCH
216 PINE STREET -:- SAN FRANCISCO 4, CALIFORNIA
EXbrook 1816

File CF
51 5/30

May 24, 1944

Emi - Jap Amer.
Heard of
WRA

Clifford Forster, Esq.
170 Fifth Avenue
New York City 10, New York

Dear Clifford:

Thank you for sending me the information about Frank Emi. I have been in communication with him in the past, but I have not sought to get much information from him because he is located at a rather inaccessible spot as far as we are concerned. However, if he should be sent to Tule Lake, I'll certainly inquire into the circumstances surrounding the W.R.A.'s decision.

Sincerely yours,

Ernest

EB:H

Ernest Besig, Director

J/ File
Okamoto
Jap. Amer.
Heart Mt
MYO

May 17, 1944

Mr. Ernest Besig,
216 Pine Street,
San Francisco, Cal.

Dear Ernest:

Mr. Okamoto, who was at Tulle Lake, has written us that he has contacted you about his case. We had taken the matter up with the War Relocation Authority in Washington while he was still at Heart Mountain and we were told that there were grave doubts as to his loyalty. For what it is worth, in one of the letters that he wrote us was included a statement that the President had caused Pearl Harbor, that the Japanese were not at fault. This was the statement which was included in his protest to the local authorities at Heart Mountain.

Roger has already written him that we would very likely not take either his case or that of Horino. Please let me know what your committee intends to do about the matter.

Very sincerely yours,

CF:Y

Clifford Forster
Staff Counsel

May 12, 1944

Mr. Kiyoshi Okamoto
5604-D
Tule Lake, California

Dear Mr. Okamoto:

Mr. Forster of this office is attending to the particular issues raised by you, and we are going to proceed on the issues which concern both you and us, though very likely not through your case nor that of Horino.

Mr. Forster will communicate with you further.

Very sincerely yours,

RNB:AL

Kiyoshi Okamoto
5604-D
Tulle Lake, Calif.

May 8th, 1944

Mr RogerN.Baldwin
Director, A.C.L.U
170-Fifth Ave. New York City (10)
N.Y.

Dear Mr. Baldwin,

Please accept my thanks for your analysis of April 6th. I saw it in the papers first. Mail was held up for a while until after I reached Tulle Lake. Hence the delay.

(1) The methods and proceedures of determining disloyalty or loyalty is a virgin test. It will make them perspire and, reminds me of the monkey business in Tenessee of some years ago in which you was instrumental. It should be important to the extent of preserving democratic practices within the WRA if not nationally. The privilliges of expressing opinions and redress is thereby suppressed; Manhood is cowed and, dictatorship and tyrrany is rearing their ugly heads. It is intrenching itself in the WRA. Shall it spread Nationally ? Freedom of thought and honest convictions built this Country into a great democratic Nation; Will subserviency of the Mass dictated by a few contribute to its progress ? The permission of arbitrary action to white-wash errors on the part of those responsible for the maintenance of Constitutional inviolability is a dangerous weapon in the hands of the irresponsible.

(2) As to having been cleared as loyal previous to transfer to Tulle Lake...I was approached to take advantage of the relocation indirectly through the Social Agent on one occasion. The second time I met her , she still had the thought on her mind. I believe it was directed from above. Next, I was approached to enter the educational section of the Relocation Program at about the time I began my campaign of educating the Internees as to the significance of the above program.

(3) In general, I have been personna non grata with the Project director and his assistant. One incident is that of the Miyahara case and the Leupp segregation Camp. You may recollect the details and results. So, I am not positive on this point. Certainly, they desired to get rid of me but, it seems they desired it to be so under their conditions which I denied.

(4) What the "leave regulations are" I am not sure.about it's provisions. I had a hearing in December Ist.1943. I have had no other methods or proceedures applied to me with the exception of the transfer to Tulle Lake. The charge for this transfer is a letter addressed to me by Robertson that I am suspected of disloyalty. (They are trying to prove it now through the FBI.)... subversive activities and sedition. I have written to Mr. Besig of San Francisco.on this . It appears to me however,the hearing itself is insuffecient warrant to brand me disloyal and the other appelations. Their proceedure looks like "the cart before the horse or punishment first and proof afterwards". Dislike and

At least, it has taken them a long time to arrive at a decision. Moreover, the hearing was a one man proposition. My answers thereto were honest convictions...not trying to agree or disagree with them. ("Judge Metzger...I find myself bound, not by theirn opinions but by the Laws of the Land in arriving at my judicial conslusions".) Also Washington Post...." Their fate have been administratively determined without judicial trial...a most dangerous precedent etc"

(5) The transfer is for disciplinary purpose. To this may be added the suspicion the Project Director's policies by the Fair Play Committee's activities. The removal of James. M. Omura by the U.S.District Attorney as editor of the English Section of the Rocky Shinpo, Denver,Colorado ~~and~~ subsequently seem to tie in with the whole affair. Publicity is something the administration have feared from the beginning. This is one of the objectives for the existence of the FPC....publicity to obtain justice and fair practices.within. Hope something will develope here also. People are being served — a shame to withhold.

(6) Mr. Fitzgerald, the FBI was here Thursday and Friday of last week...May 4 and 5. Isamu Horino who challenged the Military guard his right to refuse egress and I were the subjects. We gather the impression that the Heart Mountain People are trying to tag us with subversive activities and sedition. Stress seem to center around three pamphlets distributed . I dmm was unable to satisfy him because I had very little to do with the activities of the Nisseis. (The movement of the Nissei pertaining to the refusal to go to the physical examination is a seperate act from the policies and objectives of the Fair Play Committee as a whole. The later envisioned the injection of Constitutional and lawful proceedures in the problems arising from the Evacuation. The Nisseis are only a part of the whole) A clarification of my position will be forth-coming if desired.

Isamu Horino however, was able to give full information since he took responsibility of the publication and distribution.

Mr. Besig have asked me to furnish him with the pamphlets. I did not have them here with me so asked Heart Mountain to do so. Am not certain whether he received them. Also asked me to send him my leave clearance transcript.It is still in Heart Mountain and, asking it be sent.if manageable.

(7) The above act and the removal of Omura from his editorship seem to have a close tieup...to whitewash themselves by prefering prior charges or, to let the incidents die out by evading or clouding the issues.

(8) Understand the San Francisco Office is going to consider my situation shortly. The implications involved is numerous and difficult of explanation through correspondence only. However, hope something may develope from your analysis. Permit me to remain,

Very sincerely and appreciatively

Kiyoshi Okamoto

Kiyoshi Okamoto

Emi
Joy Amy
Heart Mt. Wyo

May 4, 1944

Mr. Minoru Tamesa
14-2-B
Heart Mt. Center
Wyoming.

Dear Mr. Tamesa:

I wonder if you would be kind enough to let me know whether Frank Emi was denied leave clearance and wants to take out a writ of habeas corpus. If so, we should like to have some more material than the hearings disclosed. We particularly would like to know something about his background, who he was, what he was doing, etc.

Very sincerely yours,

CF:Y

Clifford Forster
Staff Counsel

Enc.
Hearings Heart Mt.
Wyo

April 27, 1944

Mr. Osmond Fraenkel
76 Beaver Street
New York, N.Y.

Dear Osmond:

I am enclosing herewith transcript of hearings held at the Heart Mt. Relocation Center in which you might be interested. Will you return them to me with your comments?

Very sincerely yours,

CF:Y
Enc.

Clifford Forster

Jg
SSA cases
Wyo
Heart Mt

April 26, 1944

Mr. Minoru Tamesa
14 - 2 - B
Heart Mountain, Wyo.

Dear Mr. Tamesa:

For the purpose of a test case, I do not think that more than one case is necessary to be properly prepared and appealed. The sum of $4,000 should therefore amply cover counsel fees and court costs for the test case. I therefore do not think that an additional charge should be made with all the other cases. It is my opinion that they can be handled more or less on a default basis. After all, the same problem exists with all of the cases and they all involve the same issues. It is only mere duplication of the work to have 53 separate cases prepared, tried and appealed.

My tactics would be to be thoroughly prepared with one case, have it properly briefed, tried and appealed. There will be convictions in all of them and while you are appealing the test case, notices of appeal can be filed in the others. You would save on counsel fees and costs of printing records in this way. It would be a good idea if you would have Mr. Mornin write me about it.

I have not as yet had an opportunity to read through the record of the Emi hearing. As soon as I get around to it, I will give you my opinion.

Very sincerely yours,

CF:Y

Clifford Forster
Staff Counsel

Minoru Tamesa
14 - 2 - B
Heart Mountain, Wyo.

April 17, 1944

Mr. Clifford Forster
American Civil Liberties Union
170 Fifth Avenue
New York City (10), N. Y.

Dear Mr. Forster:

Thank you kindly for your letter of the 11th and for the information contained therein.

At present there are fifty three boys held in custody for failure to report for pre-induction physical. They are awaiting trial at various locations in Wyoming for alleged violation of the Selective Service Act. We have reason to believe that they will all be transferred to Cheyenne for trial sometime in May. As we stated before, Mr. Samuel D. Mennin of Denver is representing the first group of twelve boys at a hundred dollars apiece for each defendant. We have already paid him the retainer fee of five hundred dollars. He has stated that if only three OR four cases are tried and others are held in abeyance while appeals are pending, he will make adjustments for the cases that are not tried in the lower court, however he has stated that if there are additional cases to be tried, they will of course be on the same basis.

At the present time, we are negotiating with Mr. Mennin for a more reasonable fee in the event that each defendant will have to be tried separately as we are not financially able to pay him one hundred dollars for each of the fifty three defendants.

If in the event that Mr. Mennin will not consider any other arrangement, would it be possible for the A.C.L.U. to furnish counsel for the defendants? Or would it be possible for your organization to recommend an attorney to us. We will pay the fees. This is not meant to be any reflection on Mr. Mennin as I hope that we will be able to work out a reasonable arrangement with him. We are not able to wait for the results of our negotiation with Mr. Mennin regarding the other groups of forty one boys as the date for their trial is drawing near and we want to be assured of a counsel for their defense.

In case of an adverse decision in the lower court, we are determined to take this case up to the Supreme Court. Would the A.C.L.U. consider representing this case in such an event if we will raise the

necessary funds to pay the costs. Thus far we have raised about four thousand dollars, but I am sure that we can raise more in the event we can put a test case in the Appellate Courts. Approximately how much does the costs amount to in taking a case up to the Supreme Court?

As you may know, the defendants are not evading the draft. They are contesting the legality of the Selective Service Law as applied to citizens in an unclarified and suspended status as regards their Constitutional and civil rights. Especially in view of the fact that most of them were reclassified 4C (alien class) by the Army solely on the basis of race and ancestry.

Would it be possible for the A.C.L.U. to arrange an audience with some members of your board if we should send a representative on behalf of the defendants to New York at which time he can acquaint you with all the facts pertaining to this case. If that is not possible, would your group be able to send a representative to Heart Mountain Center. We will pay expenses.

As I thought it may interest you, I have enclosed copies of two different hearings which Frank Emi had recently. One is a leave clearance rehearing because of his connection with the Fair Play Committee. The other is a hearing which Emi and I had after we tried to walk out of the center without a pass, to ascertain our status regarding our Constitutional rights in view of the citizens being drafted out of this center. We were promptly arrested by the military police and put into the guardhouse with a warning that should we try to leave the jail we would be shot. We were both served with a warrant of arrest by the Project Director and a complaint by the Internal Security officer of Heart Mountain. We have the original copies of these summons. From the record of Mr. Emi's leave clearance hearing, in your opinion, do you think the WRA would have the right to classify him disloyal and send him to Tule Lake?

Trusting that the above queries will not inconvenience you too greatly, I remain

Very sincerely yours,

Minoru Tamesa

Minoru Tamesa
14 - 2 - B
Heart Mountain, Wyo.

Enc. Two copies of transcripts of hearing.

J-1
J. Komoto

April 11, 1944

MEMORANDUM

I called Dillon Myer, who made these points:

(1) Tule Lake is not being used as a disciplinary center and the two men who were transferred from Heart Mountain did not have leave clearances as loyal American citizens.

(2) The twelve men who refused military service at Heart Mountain will of course be prosecuted and should have been prosecuted earlier in order to stop the spread of disaffection. Mr. Myer feels that nothing can be gained by any defiance of law, whatever moral grounds are urged, and that these men will get and deserve pretty stiff prison sentences.

(3) Their grievances are only the same as those of all other evacuees, save for the alleged segregation in the army. That is not as complete as it is represented, and is due primarily to military considerations, not race prejudice. Race prejudice may be the reason for the refusal of the Navy to accept any men, but the army accepts many in special services with the exception of the air force.

(4) As to test cases on detention and leave clearance as a requirement for release, Mr. Myer said that they should be selected with great care, and that neither Okamoto nor Horino are suitable cases, since they have not had leave clearances as loyal.

He said that while he had hoped to abolish leave clearances and to permit free entrance and exit from the camps, this had proved impracticable, and the WRA would not change the regulations except by court order. I assured Mr. Myer that we would bring no test cases without consulting his office.

RNB

S/ Heart Mtn

March 21, 1944

Mr. Kiyoshi Okamoto,
22-8-B,
Heart Mountain Camp,
Wyoming.

Dear Mr. Okamoto:

Mr. Baldwin has asked me to reply to your letter of March 12th. We are, of course, deeply sympathetic with the position you have taken in your "clarification of loyalty statement". We are quite agreed with you that certain civil liberties have been denied American citizens of Japanese ancestry. Nevertheless, the final determination of what these rights specifically are rest with the U. S. Supreme Court.

Last summer, you will recall, the Supreme Court held constitutional military curfew orders directed against American citizens of Japanese ancestry. At present, it is being asked to rule upon the question of the validity of the military evacuation orders directed against such a class of citizens and before the Circuit Court of Appeals in San Francisco is a habeus corpus proceeding testing the constitutionality of the detention of Japanese-Americans in relocation camps.

For your information, I am enclosing a copy of the brief filed in the present Supreme Court case and a copy of the Supreme Court 's decision in the curfew case.

Very sincerely yours,

CF:Y
Enc.

Clifford Forster
Staff Counsel

Registered Mail
RNB 3/8

Kiyoshi Okamoto
22-8-B
Heart Mountain Camp
Wyoming.

March I2th, I944

Mr. Roger N.Baldwin
Director, A.C.L.U.

I70-5th street

New York City, N.Y.

Dear Mr. Baldwin,

I am sending you the enclosed set of articles as representing the sentiments of the members of "Fair Play Committee" of Heart Mountain.

This organization came into numerical and financial existence only recently although I have been trying to organize the residents here for more than a year and a half past.

My basic objective is justice, equity and Constitutionality in any and all the dealings meted us as Citizens of this Nation as well as as to our parents who established themselves here under International agreement.

We have already filed,with the Attorney General, a request that our Citizenship rights and status be clarified. This is in view of the fact that the War Department is inducting the Nisseis from the Centers without any manner of considerations. The arguments are set forth in one of the sheets herein enclosed. The Secretary of War have also been informed of our existence.

To date, fourteen of our members have refused to answer the call for physical examination. The authorities have not arrested them yet. Two of them were pulled in Monday...March 6th but, immediately released. The reason lies in their answer whic were as follows.... I refused to answer the order because I do not know whether I am a Citizen of this Country or not. If I am a Citizen then, why am I enclosed within a wire fence and denied the rights and privilleges of full fledged Ameicans ?"

I believe the War Department as well as the Justice departments are looking up the law pertaining to these.

I am wondering whether you would consider our acts and attitude ...as indicated in the attached sheets... would conform with your ideals and principles of Civil Liberties ?

May I expect an opinion from you ?

Very sincerely Kiyoshi Okamoto
Kiyoshi Okamoto
Chairman...Fair Play Committee.

March 7th, 1944

Senor F. de Amat
Consulado de Espana
San Francisco, Calif.

Dear Sir,

The mother members of " Fair Play Committee" have instructed me to make the following communication and request to you....

(1)..These mothers are Citizens of the Japanese Empire.
(2)..Their sons are being ordered to be inducted into the Army of the United States.
(3)..They are supposed to be Citizens of this Country but, their legal status and rights are denied under the various methods and proceedures of the evacuation, detention etc.

(4)..Are they American Citizens or half baked Citizens or, are they Citizens without a Country ?
(5)..These are questions they desire to be answered by either the Supreme Court of the United States or, through legislative acts of Congress.

(6)..Until such time, these mothers assert their rights as Citizens of the Japanese Empire to claim their Sons under their protection as GUARDIANS until after their legal status and rights are pronounced by the Supreme Court or the U.S.A. or through Congressional Act. They do not place adherence or faith to any interpretations or assertions by Departmental heads as THIS IS A VITAL QUESTION EFFECTING NOT ONLY THE CONSTITUTION OF THIS COUNTRY BUT, ALSO CONCERNS THE JAPANESE GOVERNMENT IN ~~THEIR~~ IT'S UNDERSTANDING OVER CITIZENSHIP RIGHTS AND OBLIGATIONS.
(7)..The Selective Service Board is calling those of our members who have just attained the age of eighteen. Since they are Minors, they naturally should come under their parent's sanction. This seem to be disreguarded by the U.S. Government in ordering them to the physical examinations. Please bring these points to the attention of the U.S. Government through your proper channels.
(8)..These mothers desire you to take immediate steps to have the United States Government desist from further efforts to induct any member of this "Fair Play Committee" into the Army of the U.S.A. UNTIL AFTER PROPER CLARIFICATION OF THEIR STATUS AND RIGHTS BY THE AUTHORIZED CHANNELS OF THE UNITED STATES GOVERNMENT.

Very sincerely

By....Kiyoshi Okamoto
Chairman..Fair Play Committee

22-8-B
Heart Mountain
Wyoming.

March 12th, 1944

Mr. Harold Ickes
Secretary ofthe Interior,
Washington ,D.C.

Sir,

The undersigned, as chairman of the " Fair Play Committee" of Heart Mountain have been instructed to file with you as a matter of record the following...

"THE FAIR PLAY COMMITTEE PLACE ITSELF ON RECORD AS OPPOSING THE CONTINUANCE OF GUY ROBERTSON,hitherto director of Heart Mountain Concentration Camp, AS WRA PROJECT DIRECTOR."

The grounds for this opposition are based upon his past record in tenure as project director of this camp. They are as follows....autocratic instead of democratic practices; absence of cooperative tendencies; departure from WRA rulings as intended for us by Congressional act; his tendency to consider his position as a political plum by refusing public education;refusal to clarify the position of our so-called "Community Enterprise"; tendency to play petty politics to our disadvantage;lack of coordination between the departmental heads for which we are made to suffer; absence of fair play, justice or equity;no humanitarian considerations

In substance, his acts and attitude during his tenure of office have established suspicion, distrust, dissension, factional misunderstanding, immoral transactions between a segment of the Internal population and his department and a general depreciation of our moral and spiritual values.

The "Fair Play Committee" is composed of true and loyal Citizens of this Nation who believe in the sanctity and inviolability of the Constitution and the Bill of Rights. It's aim is to demand justice, equity and fair dealing in any matters pertaining to our position.

We will cooperate with your administration wherever your policies are in accord with Americanism,democratic practices and the ideals and principles that motivated the Declaration of Independence, the Revolutionary War, the Constitution, the Bill of Rights and the proclamation for the emancipation of slavery.

Very sincerely your's

Kiyoshi Okamoto
Chairman...Fair Play Committee
22-8-B
Heart Mountain Concent. Camp
Wyoming.

By Kiyoshi Okamoto
22-8-B
Heart Mountain Camp
Wyoming.

March IIth, 1944

Dear Mr. Editor,

Perhaps your subscribers will be interested in the following developments in the Heart Mountain Concentration Camp during this past week.

(1) Our Councilmanic Group was strong in their support of the WRA policy to fight for something they know nothing about.

(2) The "Fair Play Committee" began an educational campaign to show the other side of their propaganda.

(3) The residents of this Camp began to rub their eyes and, are now interested.

(4) They reasoned the ideals and principles of the Fair Play Committee are sound, just and equitable and, in accord with their own sentiments. (As you know, our objective is justice and equity as guaranteed to all the People of this Nation by the Constitution, the Bill of Rights and the various Ammendments) the Isseis as well as the Nissei.)

(5) They realized they were led around in a circle by Councilmen that were elected by them and supposed to represent them but, in reality, representing their own interests and were using their position of confidence and trust as a means towards their own ends. They catered more to our Director's whims and autocratic moods rather than to the interests of the Internees themselves.

(6) The more balanced of the Councilmen also awakened to the fact that they were boondoggled by the WRA administrative staff into being their cat's paws and, were not really representing their fellow blockmen.

(7) Hitherto, they had accepted the keto political appointees as Omnipotents and, their usual answer was...." it is the WRA ruling. We cannot buck it. Or, Mr. Robertson said this, Mr. Myer said that so, we must obey etc...all bunk but, they did not know enough to realise it. Now, a few of them have raised enough courage to call Robertson, our project director, a few well earned names. This is the result of the courage and leadership intrenched in the members of the FPC. Hitherto, we have had only sheep as leaders. The FPC is furnishing some good materials as leaders. One member forced the issue with his Councilman singlehanded. The Councilman resigned the other day.

(8) The Council body is now divided into two opposing groups. The voiceferous but losing element are, like the JACL

represented by deluded but bitter oppurtunists. We expect them to fight to the finish for...a cat is a cat by it's characteristics. So are fools. The other group is represented by the individual who ~~ss~~ have already resigned. Four of them contemplate resigning. Our Educational staff are bring to Internee attention, by loud speaker...microphone and mass meeting the lackadaisical manner of their past performances. The reactions of resentment is catching.

(9)..The FPC is already suffeciently strong in numbers and finance.
(10) The members have defied orders to appear before the physical.
(11) The Federal authorities are ~~[illegible]~~ stumped by this defiance. None of them have been arrested to date. Our supposition is the fact that the authorities have been unable to get around our demand the OUR CITIZENSHIP STATUS AND RIGHTS BE CLARIFIED BEFORE ANY INDUCTION INTO THE ARMED FORCES OF THE U.S.A. If we are not Citizens...as could be supposed from our situation... we hold no reason to fight for a Country that is not our's.

(12) THE FPC BELIEVE THAT OUR OWN HOME FRONT DEMAND LOYALTY AND PATRIOTISM FIRST. ANY NISSEI WITH A MODICUMOF SANITY AND COMMON SENSE SHOULD SEE THAT JUSTICE,FREEDOM AND DEMOCRATIC PRACTICES ARE BEING SLAPPED ON THE FACE RIGHT HERE IN THE VERY COUNTRY THAT NURTURED THE IDEALS AND PRINCIPLES OF THE CONSTITUTION AND THE BILL OF RIGHTS.

(13) Those that are ranting aganst our stand do not know the real meaning of loyalty and patriotism. TRUE LOYALTY AND PATRIOTISM DEMAND THAT JUSTICE,FREEDOM AND DEMOCRATIC PRACTICES MAY NOT BE ENDANGERED BY PROPAGANDA,DECEPTION AND UNCONSTITUTIONAL ACTS.

(14) THE MEMBERS OF THE FPC HAVE NOT FORGOTTEN THE METHODS AND PROCEEDURES OF THE EVACUATION,DEPORTATION,THE PAUPERIZATION, CONCENTRATION AND DETENTION ETC. THESE ARE VIOLATIONS ON THE CONSTITUTION AND THE BILL OF RIGHTS. ~~[illegible]~~ WITHOUT THE MAINTENANCE OF SANCTITY ON THESE GUARANTEES OF HUMANE RIGHTS , WITHIN OUR OWN COUNTRY ITSELF THEN,THE PRESIDENT'S UTTERANCES OF THE VARIOUS FREEDOMS AND THE FIGHT TO SAVE DEMOCRACY ARE NOTHING BUT SHAm AND HYPOCRACIES.

(15) As true and loyal citizens of this nation,THE MEMBERS of this organization do not intend to forget these injustices. We dedicate ourselves to the correction of the the strictures made upon these Holy Instruments of our Government. That is the reason for our defiance of the selective Law. That is the reason for our demand to have our Citizenship Rights and status clarified before any induction of the Nisseis still left in concentration camps into the army of the U.S.A. We consider all ~~[illegible]~~ those that are influenced by the propaganda that this is a war to save democracy are not true to themselves, the Nation and the basic principles that nurtured this Country into a great democratic government. They are nothing but ignorant oppurtunists bondoggling with their ego and selfish interest. They are the Shylocks of the 20th Century

Kiyoshi Okamoto
Kiyoshi Okamoto

File
Jap. Amer
Selective Service
Heart Mt. Wyo

April 11, 1944

Mr. Minoru Tamesa
14-2-B
Heart Mountain Center
Wyoming.

Dear Mr. Tamesa:

With respect to the case of the 12 boys charged with refusing to appear for a pre-induction physical examination, the cases will probably be tried separately but, at the same time by that I mean, there will probably be a separate trial for each of them as the case is not presented under the conspiracy provisions of the Selective Service Act. I do not believe that Mr. Mennin would therefore be justified in asking a fee of One Hundred Dollars ($100) for each of the defendants. They do not believe that the trial will take very long. The court will exclude all evidence as to the reasons why they did not appear, the only issue before the court being whether or not they obeyed the order of the Draft Board. I should be surprised if the case would run more than a day or so.

With respect to the Okamoto and Horino cases, we shall consider whether or not they are appropriate subjects to test the issue of detention that we are interested in. As soon as we have come to some conclusion, we shall let you know. It is our understanding that neither of these two gentlemen have been cleared as to their loyalty by the W.R.A. As soon as we have more information, we shall let you know.

With respect to the question of censorship of the mails, our investigation shows that there is no censorship of mail in camps other than at Tule Lake and Manzanar. The only reason for censorship in the latter camp is that it is within the Pacific Coast military area. We understand that Mr. Okamoto and Mr. Horino are now at Tule Lake.

Very sincerely yours,

Clifford Forster

CF.V

RNB

April 10, 1944

Mr. Minoru Tamesa
14-2-B
Heart Mountain Center
Wyoming

Dear Mr. Tamesa:

In reply to yours of April 4th, I am asking Mr. Forster of our office to reply to you. I enclose a copy of the letter which I sent to Mr. Okamoto, both to Tule Lake and to Heart Mountain Center.

I also sent a copy to Mr. Meyer.

I doubt very much whether any correspondence is censored, except to persons under arrest. Undoubtedly that is the case in Tule Lake.

Sincerely yours,

RNB:AL

Reg. Resil
RJB
4/8

Minoru Tamesa
14 - 2 - B
Heart Mountain Center
Wyoming

April 4, 1944

Mr. Roger N. Baldwin
Director....A.C.L.U
170 5th Avenue
New York City, N. Y.

Dear Mr. Baldwin,

I am following up Mr. Kiyoshi Okamoto's letter of March 28th, 1944 regarding the 12 boys from Heart Mountain Center who were held in the Cody jail. They all pleaded not guilty at their hearing to charges of evading the draft.

The twelve boys are now transferred to Casper in care of the U.S. Marshall. I believe they are awaiting trial sometime in May. At the time of this writing twelve more boys have been taken away to Thermopolis to await trial after all pleaded not guilty to the same charge. There will be about thirty more boys who will be taken into custody in a day or so.

We have retained an attorney, Mr. Samuel Mennin from Denver, Colorado who is representing the first twelve boys who were taken into custody. Mr. Mennin said that he is a member of the A.C.L.U. He left for Casper Tuesday night April 4 and is expected to see the boys on Wednesday. He will then let us know of any further developments.

I would like to inquire whether the boys will be tried all at once or individually. Please inform me which you think it will be. If each group or individual is going to be tried separately, it will run into such expense that I do not believe we can retain a private counsel for each trial. Thus far we have paid Mr. Mennin $500.00 for retainers fee and he has asked for $100.00 apiece for each boy in the first group. There are twelve boys therefore the cost will be $1200.00 plus the retainer fee of $500.00 plus expenses. We can cover that part but I believe it will be impossible for us to meet the cost of $100.00 for each boy who has been taken in since the first group. Is there any way possible in your opinion whereby they can all be tried together at the same time? They are all charged with the same violation and they all pleaded not guilty on the same grounds. We intend to take this case up to the Supreme Court if it is necessary, but we do not know whether we alone can meet the expenses for such action. Especially if these preliminary trials drain so much of our finances. Are there any possibilities that the A.C.L.U can come to our aid as a friend of the court? Please inform me regarding the above queries at you earliest opportunity.

We believe that the stand the boys are taking----that Selective Service does not apply to them because of the uncertainty of their status and that the army discriminated against them by placing them in the 4C classification (aliens or enemy aliens) solely because of race or ancestry, and that there has been no rectification of the un-Constitutional acts committed against them------involves a vital Constitutional matter.

At this time I wouldalso like to write to you on behalf of Mr. Kiyoshi Okamoto, Chairman of the Fair Play Committee of Heart Mt. Center and Mr. Isamu Horino, a member of the American Civil Liberties Union.

Mr. Okamoto left instructions with us that we were to let you know in the event anything happened to him.

On Wednesday, March 29th, at about 2:30 p.m. he was forcibly and against his will, without trial or due process of law, taken away from Heart Mountain Center to the Tule Lake Concentration Camp handcuffed to the Center's Internal Security officers. Mr. Horino was likewise treated. They are both loyal American citizens.

In Horino's case, in order to see if he had the rights of a loyal American citizen to freedom and liberty, he attempted to walk out of the center without a pass whereupon he was promptly arrested by the Military Police guarding the center and lodged in the MP's guardhouse. He wanted to ascertain his rights at the present time, particularly in view of the fact that the citizens are being called into the armed forces from these relocation centers. About half an hour after he was lodged in the guardhouse, he was handcuffed to the Internal Security Officer and taken in a car supposedly to Tule Lake Concentration Camp togaether with Mr. Okamoto. He was not even permitted to notify his family. He protested such arbitrary and dictatorial action on the grounds that he, as an American citizen had Constitutional rights to oppose such un-Constitutional acts and proceedures, but to no avail.

There were two evacuee witnesses at the time all this happened. These two witnesses were also lodged in the guardhouse for attempting to walk out of the center without a pass, but they were not taken to Tule Lake. The writer was one of the witnesses who was put in the guardhouse therefore all these statements are true.

As you may already know Mr. Okamoto as chairman of the Fair Play Committee was actively engaged in educating the members of the organization on the desirability of our knowing more about our Civil rights. He based his reasoning on the Open Forum, a publication of the ACLU. All his statements and his stand on the restoration of rights to the citizens behind these barbed wire fences were based on the Constitution and Bill of Rights of the United States.

The WRA project director of Heart Mountain, Mr. Guy Robertson disapproved of these activities of Okamoto and Horino and of the Fair Play Committee. Also we do not know who or which member will be next on his list to be sent away to the Tule Lake Concentration Camp. He has made it plain that we citizens behind these fence have no Constitutional rights if the WRA official so deems it. We can verify all of these statements.

Mr. Okamoto and Horino were taken out on the reason that they were denied leave clearance by the Leave Clearance Review Board. Whether an evacuee can be granted clearance or not seems to rest with the Project Director. It seems that if an individual or individuals raises the ire of the director in any way, he or they are in danger of being deported to Tule Lake thru this leave clearance proceedure. There is no charge against the two persons except the above facts.

As yet we have not taken any action through our attorney regarding Mr. Okamoto and Mr. Horino because they are presumably in Tule Lake, California. The distance from Denver to Tule Lake is so great that it would be almost impossible to have Mr. Mennin take up their case. Too, we are not financially able to take more than one case at the present time.

If your organization can help them out in any way, I am sure that they, as well as we, and all true Americans will appreciate it more than words can convey. It would, I am sure, really further the cause of justice and liberty which we are critically in need of in these present times.

We believe that this action was a clear-cut violation of a citizens civil rights guaranteed to us by the Constitution.

If you are interested in their case and would like further particulars, I would be very happy to send you all the information regarding the abduction-like treatment of these citizens. Any information of any kind that you would like to have, I shall be glad to send you at any time.

All incoming correspondence to Mr. Okamoto and Mr. Horino has been stopped and held by the WRA at this center so if you have sent any mail to Mr. Okamoto in the last few days, that are concerned with the present activities, please send a duplicate to the writer as it may be of help to us. Can the WRA legally tamper with the U. S. Mail? Mr. Okamoto and Horino were not charged with any crime. Their families are still here, and they should be the ones to receive the correspondence.

If you receive this letter, please reply at your earliest moment as the WRA may hold up any outgoing mail to the A.C.L.U. or other organization or persons who are interested in protecting civil rights. I would like to ascertain whether they do or not.

As yet, neither we nor the families of these two persons know of their whereabouts. How do you suppose we can get in touch with them? We would appreciate any suggestions or advice which you may be able to give us as to how we can go about in locating them.

I shall earnestly await your reply.

Very sincerely,

Minoru Tamesa

Minoru Tamesa
14 - 2 - B
Heart Mountain Center
Wyoming

P.S. Would it be possible, in your opinion, that the trial of the first twelve boys be made into a test case for the following groups?

WAR RELOCATION AUTHORITY

Office of the Solicitor

WASHINGTON

Okamoto - Heart Mt.

Jap - Wyo

J'

April 8, 1944

Mr. Clifford Forster
Staff Counsel
American Civil Liberties Union
170 Fifth Avenue
New York, New York

Dear Mr. Forster:

Recently you inquired of me as to the present status of Kiyoshi Okamoto and Isamu Horino, formerly residents of the Heart Mountain Relocation Center.

I have checked with the Heart Mountain authorities and find that, in accordance with the authorization which was issued by the Director in Washington, Okamoto and Horino have been transferred to the Tule Lake Segregation Center. They arrived at Tule Lake on April 1.

Sincerely,

Philip M. Glick

Philip M. Glick
Solicitor

J — V (copies) 1st mt

April 6, 1944

Mr. Kiyoshi Okamoto
22-8-B
Heart Mountain Center
Wyoming

Dear Mr. Okamoto:

In reply to your letter of March 28th, I have these observations to make:

(1) The men who have refused to accept military draft are within their rights, but they of course must take the consequences. They doubtless have a strong moral case, but no legal case at all.

(2) Men who counsel others to resist military service are not within their rights and must expect severe treatment, whatever justifications they feel.

(3) There is not point at the moment in bringing another test case involving the leave regulations. Miss Endo's case raises the right of detention and the validity of the leave regulations, and is already before the Circuit Court of Appeals. It may possibly be that a criminal prosecution for violating the leave regulations might raise the issue in another form, but our lawyers doubt it.

(4) We intend to get a suitable case to test the methods of determining disloyalty and therefore the detention of a large number of American citizens without trial. It is possible that your case might offer the opportunity for such a test through application for a writ of habeas corpus, since we understand that you have been transferred to Tule Lake and were previously cleared as loyal. We are not, however, familiar enough with the facts to be sure of that, for Tule Lake is evidently also being used for disciplinary purposes.

You fellows certainly have a strong moral case, but it is not helped by refusing to comply with the requirements of the draft act. The only possible way such a small minority can get its rights is through the orderly process of the courts in test cases brought under the most favorable circumstances.

We all appreciate your feeling, but we do not think that you can stand solely upon logic or justice if you are to get results.

Sincerely yours,

RNB:AL

cc: Tule Lake Relocation Center
Tule Lake, California

File
J'
Okamoto Jap. Am
Heart Mt. Wyo

February 3, 1944

Mr. Kiyoshi Okamoto
22-8-B
Heart Mountain, Wyoming

Dear Mr. Okamoto:

Mr. Baldwin has asked me to reply to your last several letters to him.

We are at presenting contemplating suits to test the continued detention in relocation camps of loyal Japanese-Americans.

We are thinking about the question of compensation for relocated people but have arrived at no definite program as yet.

Very sincerely yours,

CLIFFORD FORSTER
Staff Counsel

CF:RH

Kiyoshi Okamoto
22-8-B
Heart Mountain, Wyoming.

January 23rd, 1944

Mr. Roger N Baldwin,
Director...ACLU
170 Fifth Ave.
New York City.

Dear Mr. Baldwin,

Thanks very much to your kindly interest. Am not having any difficulty in leaving...have not tried it.

If you have a copy of my leave clearance transcript I sent you then, beginning paragraph 9 on page 6 may help to explain.

In brief, the following are the answers and questions.

McGowen Has anyone told you that you were not a Citizen ?
Okamoto But I assume that since I was not given the due process of Law, being condemned as a criminal, an outlaw, an outcast, a Citizen without a Country etc.

McGowen Have you been condemned ?
Okamoto What are we here for then ?

McGowen Have you tried to get out of this place, relocate ?
Okamoto No, I hav'nt tried.

McGowen I think you could , could'nt you ?
Okamoto What are those soldiers down there for ? If I was a Citizen, an American, there should be no fence, no soldiers to hamper my free movement. But, the WRA and the Military is hampering this with threat from bullets, bayonet, so there is no common sense in trying it unless I want to be shot.

McGowen You know, dont you, that you could apply for leave clearance and go clear on out of this place, and the soldiers wouldnt shoot you and no one would bother you.
Okamot I grant that. But is that leave clearance of such a nature as to be unhampered by any red tape ?

McGowen Oh, I think so.
Okamoto I can go right back to California ? can I ?

McGowen No, that is the Army, that is not WRA.
Okamoto In my case, I am not defferentiating between the Army and the WRA. I figure, as a Citizen, I should not be hampered by anyone in my movements.

McGowen The United States Supreme Court may declare your position right some day.
Okamoto That is very good. I hope it does for the sake of...not

myself only but, for the sake of others who may come in the future But, what is the point in sending flowers after you are dead ?

.....

If I may place a few questions here ...?

(I) If I am a Citizen without proven guilt...why should I go through the formality of asking for leave clearance.This sticks in my craw.

(2) As to the leave clearance...Those that have already gone out must confine their movements to that particular area in which they have located. They must also make periodical reports to the officer in the area. These are not the type of freedom I desire. CERTAINLY,AS McGowen admits...I cannot go back to California unless the Army consents. My primary desire is to go back to California until such time as restriction on free movements are applied uniformly to all the other Citizens of the Country. Otherwise, it is simply discrimination.

(3) Where is the difference in the functions of the Army and the WRA as applied to our situation ? CHALLENGE THE RIGHT OF THE ARMY TO KEEP US IN DETENTION ?

(4) The stipulations have to do with accepting certain suppo What is this certain support ? I assume it is the fifty dollars granted all relocatees as traveling funds. To me the formalities necessitating the reception of this sum is equivalent to the taking of the PAUPER'S OATH. This is, in my opinion,an unnecessary excercise of reducing free Men and Women into virtual CITIZENS WITHOUT A COUNTR

For these reasons, I am unable to reconcile myself to the rehabilitation Program until there come into existence some definite guarantees, assurances or compensat ion.

On the contrary, I have begun a campaign in this Center to preach the doctrine of our Rights...based on Judge Denman's opinion....Open Forum ...December I8th.

As a corrollary move...I am planning to challenge the Military their right to my detention.I am hoping to execute it by the middle of February.

In this connection, I have written to Mr. Wirin.... acquainting him of my intention and, asking him if that act will conflict with his plans in connection with Miss Endos test case. Have not heard from him yet.

The three series of complaints, notice and demands I sent you were preparations for this move. Have you receiv them ?

In closing, I am wondering if you would not extend your patience to the extent of comment and opinions ? We are so helpless here. Very sincerely

A. Okamoto

HEART MOUNTAIN RELOCATION CENTER
Heart Mountain, Wyoming

December 17, 1943

JOINTLY TO: Mr. Dillon S. Myer
Director
War Relocation Authority
Barr Building
Washington, D. C.

Mr. Guy Robertson
Project Director
War Relocation Authority
Heart Mountain, Wyoming

FROM: Kiyoshi Okamoto
Chairman of FAIR PLAY COMMITTEE
22-8-B
Heart Mountain, Wyoming

SUBJECT: Notice of Dissatisfaction and Demand #2

Gentlemen:

At the time of the Hospital Strike, in which the names of Van Kirk, Hanaoka and Miyahara were involved, the both of you gave assurance to the Chairmen and Councilmen of this Center that the Medical Staff would be adequately provided. That promise has not been observed to date. It must be remembered that the GUARANTEE OF HEALTH WAS ONE OF THE ASSURANCES GIVEN US AT THE TIME OF THE EVACUATION.

Since Mr. Myer's visit to this Center more than four months ago, repeated representations to the above effect have been directed towards Mr. Robertson through the Hospital Committee of both the representative bodies in behalf of the Internees. As late as yesterday, December 16, the same group visited the Hospital towards the same objective ... inadequacy of medical attention. But to date, the only result has been evasions, alibis and empty promises. No tangible effort has been made to fulfill the promise, the assurance or the guarantee.

Dr. Hanaoka's vacancy is not filled. The present medical staff is composed of three old men plus two doctors of shorter

experience. They are overworked. Their services are unavailable even during their off hours on private calls or for emergencies.

As an illustration, the undersigned tried a call in behalf of a little girl of ten years old. Her mother is confined in the hospital; the father is recovering from fever and cold. She has only a grandmother as attendant. The girl was flushed with fever. No bed available in the hospital and had to forego doctor's attention. Why?

Another illustration resulting from doctors shortage ... for official reasons as past chairman and Councilman from Block 22, and as Chairman of "Fair Play Committee" of this Center, the undersigned have been visiting the Clinic. Result ... the room is congested from one o'clock P.M. onwards. The waiting interval is excruciatingly painful. On one occasion, I and seven others were told to come back tomorrow because the hour was past ... this after waiting five hours in the cramped and uncomfortable waiting room. Decidedly, the present staff of doctors is not enough to care for the number of People needing medical attention. WHY HAVE YOU NOT FILLED THE VACANCY LEFT BY DR. HANAOKA'S ENFORCED TRANSFERENCE TO MANZANAR? You made a promise then that the service of another doctor will be retained immediately.

As already stated, the doctor's endurance is over-taxed; their salary is a trifle ... only nineteen dollars per month; they are given no inducement by you to further their exertion in behalf of the Internees. One of the doctors have been considering the advisability of relocating ... thus, leaving only four to staff the hospital. In this connection, it is safe to say the epidemic of cold sweeping over this Concentration Camp is more than three quarters out of a population of eight or nine thousand.

As an outgrowth of the doctors shortage, you threw the responsibility of health upon our shoulders, and thus evading the trust imposed upon you by Federal sanction. You have made no tangible effort to build the morale of the hospital staff in spite of our efforts and representations to you through the Councilmanic Body.

From necessity thereby, the People's representatives were forced into the recourse of levying a tribute of ten cents from each resident in this Center each month. Now, bear in mind that we are paid by you, the slave wages of only twelve, sixteen and nineteen dollars per month, for work that draws a minimum of a hundred dollars for its equivalent measured in terms of outside wages and work standards. This beggarly sum does not suffice for necessities ... let alone paying for doctors fee.

Now, we question you ... who is responsible for the care of our health? Who forced us into this Concentration Camp? Who made the guarantees of food, shelter, clothing and HEALTH? WITHOUT DIGRESSING, WHAT MANNER OF CARE ARE YOU GIVING TO THE CHRONIC INVALIDS? DIET KITCHENS ... WHAT MANNER OF SERVICE ARE THEY GIVING? ARE YOU MAKING AVAILABLE TO THEM THOSE NECESSITIES THESE INVALIDS REQUIRE?

With your policy of shoving responsibility upon us -- after having divested us of our inheritance and all we possess -- do you expect us to dig into the measly earnings to care for our health? PLEASE REMEMBER THAT HEALTH MEASURES WERE GUARANTEED US, AND THAT YOU ARE THE APPOINTED CUSTODIAN OF OUR WELFARE.

These accusations could have been eliminated if you had paid less attention to selfish motives and more to the obligations for which you are being paid an unprecedented salary. You wanted to white-wash the Hospital strike; you sent two innocent individuals into unmerited disgrace ... one to Leupp Isolation Camp, and the other to Manzanar. There was too much negligence of duties; too much internal politics and too much self interest in that transaction for the welfare of ten thousand People. That result is as follows.....

We have an epidemic of cold, pneumonia, stomach ailments; there is a shortage of beds; applicants for hospitalization are refused; the convalescing are at times forced to go home prematurely; the doctors are unable to give full attention; the sum of ten cents are levied on the residents to pay for doctors attention.

As an illustration of the seriousness of the epidemic, Dr. Irwin, the head of the hospital, is in bed; the head nurse, Miss Van Kirk has not been functioning for the past month. Seven out of the four patients in Ward #7 of the Hospital, are patients from stomach ulcers; the others are confined from digestive troubles; many of the patients themselves have contracted cold and pneumonia after their hospitalization. One man died suddenly ... confined in the hospital for complications arising from cold. His family was not notified, although the distance is less than a mile. Why? Another patient entering the hospital for digestive troubles contracted pneumonia in the hospital. The fever has not subsided after two weeks ... necessitating confinement in a separate ward. Why the spread of disease in a place where antiseptic measures should be in vogue?

In visiting the hospital, notice is made of the improper ventilation. Why? Yet, we have been assured by Mr. Robertson

and by Dr. Irwin that proper measures have been adopted. This, as an excuse for the discharge of Dr. Hanaoka and the sentencing of Miyahara to a desert penetentiary.

As another illustration on the prevalence of sickness, take the case of the dishwashers in Mess Hall #30 of Block 22. There were seven of them. Today, December 17, none of them are able to work. They are all in bed. No doctor's care. The head cook of the same mess is also confined. These instances may be applied to the other thirty nine Mess Halls where ten thousand mouths are fed. Why the loss of control? The doctors will not come on call as hitherto they were able prior to the hospital strike.

As a contributing cause for our weak resistance, the following is submitted:

(1) Unbalanced diet to be in conformity with our metabolic structure. There is a deficiency of vital elements to which we are habituated. Vitamin shortage is pronounced.

(2) The elevation of the camp sight is too high for many. It must be remembered that many people suffer from high elevation; the reverse is also true. Blood pressure is effected, heart beats acclerated, arthritis, nausea and rhumatism are susceptable to elevations. Attention has not been given to this aspect in the promiscuous dumping of ten thousand people into a congested area.

The fact remains that the health of this Center has been jeopardized by your indifference, negligence, and by your tendency to salve the wounds of maladministration with empty phrases.

These conditions exist in spite of the fact that HEALTH IS ONE OF THE GUARANTEES GIVEN US AT THE TIME OF THE EVACUATION. You have failed in your promises and obligations. THE RESPONSIBILITY OF SATISFYING THE OBLIGATIONS IMPOSED UPON YOU THROUGH THE EVACUATION AND CONCENTRATION, AND BY FEDERAL AUTHORITY IS STRICTLY WITHIN YOUR PROVINCE TO PERFORM.

COMPLAINT #2

The undersigned and his friends object to the un-American ways of Life to which we are forced to submit. Specifically, six individuals are forced into a compartment twenty feet by twenty four feet. Rabbits and fowls may be satisfied

with such arrangements, but the undersigned have no desire to aspire thereto.

A whole year of submittance to the miseries of mental and spiritual torture arising from the necessity of adjusting temperament to the constant changes inherent in different individuals is a nerve wrecking strain. A breakdown for the undersigned is in the offing unless a change is effected immediately.

I am inclined toward study and self commune; detest raucous noise; cannot stand snoring and the gnashing of teeth in their sleep; the habits, peculiarities, idiocrasies of uncongenial company is too much for me.

It is said that something broke a camel's back. This something is the denial of privacy that may be had from habitation separately.

Thereby, I MAKE DEMAND THAT A SEPARATE ROOM BE ALLOTED ME IMMEDIATELY. I demand this as an American Citizen habituated to American ways of Life.

In this above connection, it may be timely to remind you of a stabbing affair that took place in Block #15 this last winter over matters arising from the same situation in which I am now situated. You caused them to be punished after placing the cause there yourself. Is this justice? One of them is still in jail. Why?

In the instance of the undersigned and his friends, we refuse your efforts to shift your responsibilities and obligations upon us. Our pauperization, our evacuation and our enforced denial of freedom is not of our making. These responsibilities are yours. Thereby, we place the whole responsibility and obligation where they properly belong. They are yours. As such, any incidents that may arise through your negligence hereafter and hiterto will be charged to you as CAUSE OF ORIGIN.

THEREBY, I REPEAT THE DEMANDS HITHERTO ENUMERATED:

(1) GIVE US ADEQUATE MEDICAL SERVICES AS GUARANTEED
(2) GIVE TO ME AND TO THOSE OF MY FRIENDS WHO ARE SIMILARLY INCLINED A SEPARATE ROOM TO EACH INDIVIDUAL.

(I have made verbal request to the Housing Department for a room by myself on four separate occasions. Its manager has laid them aside contemptuously.)

In the making of these accusations and demands, I bear in mind your procedures of intolerance ... arrest and punishment. Dr. Hanaoka and Miyahara are instances together with those of others that have been given unjustifiable punishments. I am prepared.

After all, a promise is a promise; a guarantee is a guarantee. Has Justice, Democracy and the ideals of Americanism fallen so low that we are constrained to make these accusations and demands for rectification?

This is America. It is supposed to be a land of the free. Justice and Democracy are supposedto dwell here ... contributing to the American Way of Life. Where are they?

Kiyoshi Okamoto

By Kiyoshi Okamoto
Chairman of FAIR PLAY COMMITTEE

As a further addition of demands to those two already mentioned on last paragraph of page 5, we make the following demands.

(1) We challenge your right to further detention, denial of liberty and social, mental, and spiritual cruelties by threat of bullets, tear gas, machine guns, sentries, military guards, internal police, the dictatorship of the WRA and other coercic and UNCONSTITUTIONAL PROCEDURES.

(2) Restore our Rights, Privileges, Freedom, Liberty and Claims in accordance with the Principles of Justice, Equity and Fair Play ... with no red tapes, hindrance, conditions or regimentations.

(3) Give us compensation for our pauperization arising from the inconsiderate procedures of the Evacuation. Also, compensation for the denial of freedom and liberty to pursue our Rights for Social and Economic Securities.

(4) Restore to us the homes, valuables, chattels and the status of Social and Economic privileges we enjoyed up to the time of our emasculation from our inherited Rights ... assets built up and accumulated through years of economy, denial, sacrifice and toil.

(5) As an alternative, secure for us in the REHABILITA-

TION PROGRAM such assurances, securities, justice and equity commensurate to those we would have enjoyed were we not dispossessed of our inheritances.

(6) Fulfill the promises and guarantees you made us, and assured the Public at the time of the Evacuation. On these assurances, we placed confidence and trust to such an extent that we agreed to the emasculation for our inherited Rights at the moment of this Nation's trial. Such wasour thought and such were our loyalty to the Ideals and Principles that built up this great Democratic Nation.

(7) Give us living wages commensurate to those prevailing in those areas we came from during the period we are forced in these Concentration Camps by threat of personal violence from bullets, tear gas, sentinels, machine guns, internal police, military guards, and other armed forces such as the moral pressure brought upon us by the administrative staffs of the WRA.

(8) We demand the right to live wherever we choose without restraints, prohibitions, regimentation, redtape, coercion, persecution, false propaganda, threats and discriminations.

(9) We demand restitution or compensation for the mental and Spiritual torture we have been forced to endure during the course of our pauperization, evacuation, emasculation, concentration and the uncertainties of the future. You caused these into being.

(10) Restore to us the esteem and economic values that were at our disposal before the evacuation ... breaking up of family and neighbourly relations; financial (tanomoshi) relations; recreational relations, and our moral support which we lost through the Evacuation. These are elements that enabled us to survive in spite of the persecutions, handicaps, denials, and discriminations.

(11) Restore to us those social and economic securities and assets we built up during the course of the past forty years through toil, sacrifice and self denial.

(12) Give to us in the REHABILITATION PROGRAM those assurances and guarantees that rightfully belong to Humanity in such wise that we may not suffer from relapse through inability to adjust our lives and abilities to the new and strange environments

you envisage for us.

Kiyoshi Okamoto

By Kiyoshi Okamoto
Chairman, FAIR PLAY COMMITTEE

Mr. Roger N. Baldwin
Director - A.C.L.U.
170 Fifth Ave.
New York City. (10)

Heyburn Community
22-8-B
Heart Mountain
Wyo.

Dec. 15-44 43?

11/19/44

Dear Mr. Baldwin: —

Rumor is current here the W.R.A. is working up a program for general "Compensation". How true is it? If so, will there be full satisfaction? If unsatisfactory - what preventive or remedial measures are there?

I have been against the Relocation Program just because of the above doubt.

The military guards are still stationed around us. Will taking "French Leave" - if possible, constitute sufficient grounds for a Habeas Corpus proceeding in challenging the constitutionality of our detention?

The three sets of complaints and demands I sent you was in preparation for such an act.

Will challenging the Detention improve the bargaining position for an equitable settlement ~~[illegible]~~ in the rehabilitation or relocation program. As stated in my previous letter, there is nothing in these programs that could be construed as just or equitable?

(next page)

Supposing I did walk out: the sentinel may have received instruction to give me all the wipes. I may reach Cody; possibly Denver; but to enter California may be remote.

Do you think the Military will permit entry to Los Angeles? If they did, what is the effort towards the Constitutionality of Military evacuation and Detention?

Will it not be a fruitless effort - then - to establish a Constitutional infringement of the Evacuation, the abduction by Military force and the Detention?

If the Military no longer see the necessity of exclusion from a Military area, then, the effort to enter California will be tantamount to a denial of compensation or settlement because it was done out of volition. Is this so?

In short - the effort of my desire to take Francis leave is seperate from an equitable settlement. Is this so? Or, is the one a necessary procedure for the other.

Do we have to accept the Constitutionality of the Evacuation, abduction and detention and - not compensation as is planned for us without a Voice? Permit me

Very sincerely Kiyoshi Okamura

Dear Mr. Baldwin 12/31 RWB

The attached is a transcribed copy of complaints and demands upon the W.R.A.

Copies have been sent to The President; the Secretary of War; Western Defense Command and the W.R.A.

You may not have the time to read all the complaints so— I am attaching the copies beginning from sheet 6.

This letter of complaints and demands is the second of the series.

Very sincerely

Tsuyoshi Okamoto

Jan 4 1944

January 4, 1944

Mr. Kiyoshi Okamoto
Chairman of Fair Play Committee
22-8-B
Heart Mountain, Wyoming

Dear Mr. Okamoto:

I do not quite understand your complaints of December 17 addressed to Mr. Myer and others. I gather that all of you at Heart Mountain are free to leave the center and resettle outside. If that is the case complaints about conditions in the center seem to us incidental.

Your other complaints, which are of course substantial, are shared by all of us. They are painfully justified. You understand far better than we how powerless the W.R.A. is to remedy most of them.

Sincerely yours,

RNB/sa

RNB
CF 4-4-44

Mr. Roger N. Baldwin
170 - 5th Ave.
New York City. N.Y.
and

Kiyoshi Okamoto
22-8-B
Heart Mountain Center
Wyoming.

December 18th, 1943

TO WHOM IT MAY CONCERN?

As a measure of insurance aganst helplessness, I am predating this appeal. Know then, if this reaches you I am under arrest, confinement or segregation or isolation.

The cause for my suspicions and fears are based upon the fact that I am addressing a series of letters demanding the restitution of my Rights as a Citizen of this Nation to those individuals and departments responsible for my pauperization, evacuation and concentration.

A knowledge of the hitherto WRA practice of isolating, under one pretext or another, those that are rebellious aganst the procedures and methods of the WRA administration or, mindful of the injustices of the evacuation, pauperization and the concentration leads me into the belief that this procedure is wisdom.

In addressing you thus, I am in hopes you are an advocate of Constitutional procedures. That is my reliance in addressing you this appeal...to contribute your voice towards a clarification of the Rights, Freedom, Liberty and Justice designed for the People of this Nation in the Constitution, the Bill of Rights and the various Ammendments.

Sincerely,

Kiyoshi Okamoto
Kiyoshi Okamoto

P.S.
Please communicate with
Mrs. T. Kubo
9-2-C Heart Mtn, Wyo.

Mr. Roger Baldwin
170 Fifth Ave
New York –

1/14/44

Dear Mr. Baldwin –

Thank you very much for the Jan. 4th letter. Your first paragraph is very true – the complaint are incidental. However, you introduce a topic that is not so incidental – freedom to leave the Center and resettle outside.

I hope the copy that should be in your hands by this time will clarify your question –.
We are free to leave only under stipulations.

If we are Americans, without proven guilt then, we are entitled to the privilege intended for Mankind by God and by Nature and, limited only by the Constitution and the Bill of Rights. That is my version of Freedom and Justice and, American Ideals and Practice. I may be wrong. I am not a lawyer.

Very Sincerely and Thankfully

Kiyoshi Okamoto
22-8-B
Heart Mountain
Wyo.

~~Feb~~ Jan. 11/44

January 17, 1944.

Mr. H. Otamoto
22-8-B
Heart Mountain
Wyoming.

Dear Mr. Otamoto:

Thanks for your note. You say that you are free to leave only under stipulations. That is not, I think, true in law. Those found loyal are free to leave without restraint. The stipulations have to do with accepting certain support. There are, it is true, a few formalities recognized on the form but they are without legal force and can be ignored.

Are you having any difficulty leaving?

Sincerely yours,

RNB/lr

Director - ACLU.
170 Fifth Ave
New York City (10)

1/24/44

Dear Mr. Baldwin! —

Begining to fear too much imposition directed at you. However, the drowning man — he will grab at anything. So, kindly overlook the taking up of your valuable time and considerations.

The attached transcript of Leave Clearance Hearing is sent you because of your interest in the Constitutionality of the Detention, your Mr. Forster suggested — "Absent all Administrative remedies".

It is a portion of the "due process of law" the President alluded in his message to Congress.

It may also have a bearing on the Relocation Program the W.R.A. is preparing.

I have underscored portions of the conversations. They are my reactions and perhaps represent the sentiments of a great portion of those still remaining in Camp but are - inarticulate.

Permit me to remain

Very Sincerely

Kiyoshi Okamoto
Chairman
Fair Play Committee
32-8-B
Heart Mountain
Wyo.

File
J1
Okamoto Jap. A
Heart Mt. Wyo

February 3, 1944

Mr. Kiyoshi Okamoto
22-8-B
Heart Mountain, Wyoming

Dear Mr. Okamoto:

Mr. Baldwin has asked me to reply to your last several letters to him.

We are at presenting contemplating suits to test the continued detention in relocation camps of loyal Japanese-Americans.

We are thinking about the question of compensation for relocated people but have arrived at no definite program as yet.

Very sincerely yours,

CLIFFORD FORSTER
Staff Counsel

CF:RH

Registered
RNB 3/18

Kiyoshi Okamoto
22-8-B
Heart Mountain Camp
Wyoming.

March I2th, I944

Mr. Roger N.Baldwin
Director, A.C.L.U.

I70-5th street

New York City, N.Y.

Dear Mr. Baldwin,

I am sending you the enclosed set of articles as representing the sentiments of the members of "Fair Play Committee" of Heart Mountain.

This organization came into numerical and financial existence only recently although I have been trying to organize the residents here for more than a year and a half past.

My basic objective is justice, equity and Constitutionality in any and all the dealings meted us as Citizens of this Nation as well as as to our parents who established themselves here under International agreement.

We have already filed, with the Attorney General, a request that our Citizenship rights and status be clarified. This is in view of the fact that the War Department is inducting the Nisseis from the Centers without any manner of considerations. The arguments are set forth in one of the sheets herein enclosed. The Secretary of War have also been informed of our existence.

To date, fourteen of our members have refused to answer the call for physical examination. The authorities have not arrested them yet. Two of them were pulled in Monday...March 6th but, immediately released. The reason lies in their answer whic were as follows.... I refused to answer the order because I do not know whether I am a Citizen of this Country or not. If I am a Citizen then, why am I enclosed within a wire fence and denied the rights and privilleges of full fledged Ameicans ?"

I believe the War Department as well as the Justice departments are looking up the law pertaining to these.

I am wondering whether you would consider our acts and attitude ...as indicated in the attached sheets... would conform with your ideals and principles of Civil Liberties ?

May I expect an opinion from you ?

Very sincerely Kiyoshi Okamoto
Kiyoshi Okamoto
Chairman...Fair Play Committee.

ORIG + FBI 12 CLERK OF COURT
MAR 7 SPANISH CASE
MAR CU 12 ICKES
MAR 11 EDITOR

J/ Heard

March 21, 1944

Mr. Kiyoshi Okamoto,
22-8-B,
Heart Mountain Camp,
Wyoming.

Dear Mr. Okamoto:

Mr. Baldwin has asked me to reply to your letter of March 12th. We are, of course, deeply sympathetic with the position you have taken in your "clarification of loyalty statement". We are quite agreed with you that certain civil liberties have been denied American citizens of Japanese ancestry. Nevertheless, the final determination of what these rights specifically are rest with the U. S. Supreme Court.

Last summer, you will recall, the Supreme Court held constitutional military curfew orders directed against American citizens of Japanese ancestry. At present, it is being asked to rule upon the question of the validity of the military evacuation orders directed against such a class of citizens and before the Circuit Court of Appeals in San Francisco is a habeus corpus proceeding testing the constitutionality of the detention of Japanese-Americans in relocation camps.

For your information, I am enclosing a copy of the brief filed in the present Supreme Court case and a copy of the Supreme Court 's decision in the curfew case.

Very sincerely yours,

CF:Y
Enc.

Clifford Forster
Staff Counsel

Minoru Tamesa
14 - 2 - B
Heart Mountain Center
Wyoming

April 4, 1944

Mr. Roger N. Baldwin
Director....A.C.L.U
170 5th Avenue
New York City, N. Y.

Dear Mr. Baldwin,

I am following up Mr. Kiyoshi Okamoto's letter of March 28th, 1944 regarding the 12 boys from Heart Mountain Center who were held in the Cody jail. They all pleaded not guilty at their hearing to charges of evading the draft.

The twelve boys are now transferred to Casper in care of the U.S. Marshall. I believe they are awaiting trial sometime in May. At the time of this writing twelve more boys have been taken away to Thermopolis to await trial after all pleaded not guilty to the same charge. There will be about thirty more boys who will be taken into custody in a day or so.

We have retained an attorney, Mr. Samuel Mennin from Denver, Colorado who is representing the first twelve boys who were taken into custody. Mr. Mennin said that he is a member of the A.C.L.U. He left for Casper Tuesday night April 4 and is expected to see the boys on Wednesday. He will then let us know of any further developments.

I would like to inquire whether the boys will be tried all at once or individually. Please inform me which you think it will be. If each group or individual is going to be tried separately, it will run into such expense that I do not believe we can retain a private counsel for each trial. Thus far we have paid Mr. Mennin $500.00 for retainers fee and he has asked for $100.00 apiece for each boy in the first group. There are twelve boys therefore the cost will be $1200.00 plus the retainer fee of $500.00 plus expenses. We can cover that part but I believe it will be impossible for us to meet the cost of $100.00 for each boy who has been taken in since the first group. Is there any way possible in your opinion whereby they can all be tried together at the same time? They are all charged with the same violation and they all pleaded not guilty on the same grounds. We intend to take this case up to the Supreme Court if it is necessary, but we do not know whether we alone can meet the expenses for such action. Especially if these preliminary trials drain so much of our finances. Are there any possibilities that the A.C.L.U can come to our aid as a friend of the court? Please inform me regarding the above queries at you earliest opportunity.

We believe that the stand the boys are taking----that Selective Service does not apply to them because of the uncertainty of their status and that the army discriminated against them by placing them in the 4C classification (aliens or enemy aliens) solely because of race or ancestry, and that there has been no rectification of the un-Constitutional acts committed against them------involves a vital Constitutional matter.

At this time I wouldalso like to write to you on behalf of Mr. Kiyoshi Okamoto, Chairman of the Fair Play Committee of Heart Mt. Center and Mr. Isamu Horino, a member of the American Civil Liberties Union.

Mr. Okamoto left instructions with us that we were to let you know in the event anything happened to him.

On Wednesday, March 29th, at about 2:30 p.m. he was forcibly and against his will, without trial or due process of law, taken away from Heart Mountain Center to the Tule Lake Concentration Camp handcuffed to the Center's Internal Security officers. Mr. Horino was likewise treated. They are both loyal American citizens.

In Horino's case, in order to see if he had the rights of a loyal American citizen to freedom and liberty, he attempted to walk out of the center without a pass whereupon he was promptly arrested by the Military Police guarding the center and lodged in the MP's guardhouse. He wanted to ascertain his rights at the present time, particularly in view of the fact that the citizens are being called into the armed forces from these relocation centers. About half an hour after he was lodged in the guardhouse, he was handcuffed to the Internal Security Officer and taken in a car supposedly to Tule Lake Concentration Camp togaether with Mr. Okamoto. He was not even permitted to notify his family. He protested such arbitrary and dictatorial action on the grounds that he, as an American citizen had Constitutional rights to oppose such un-Constitutional acts and proceedures, but to no avail.

There were two evacuee witnesses at the time all this happened. These two witnesses were also lodged in the guardhouse for attempting to walk out of the center without a pass, but they were not taken to Tule Lake. The writer was one of the witnesses who was put in the guardhouse therefore all these statements are true.

As you may already know Mr. Okamoto as chairman of the Fair Play Committee was actively engaged in educating the members of the organization on the desirability of our knowing more about our Civil rights. He based his reasoning on the Open Forum, a publication of the ACLU. All his statements and his stand on the restoration of rights to the citizens behind these barbed wire fences were based on the Constitution and Bill of Rights of the United States.

The WRA project director of Heart Mountain, Mr. Guy Robertson disapproved of these activities of Okamoto and Horino and of the Fair Play Committee. Also we do not know who or which member will be next on his list to be sent away to the Tule Lake Concentration Camp. He has made it plain that we citizens behind these fence have no Constitutional rights if the WRA official so deems it. We can verify all of these statements.

Mr. Okamoto and Horino were taken out on the reason that they were denied leave clearance by the Leave Clearance Review Board. Whether an evacuee can be granted clearance or not seems to rest with the Project Director. It seems that if an individual or individuals raises the ire of the director in any way, he or they are in danger of being deported to Tule Lake thru this leave clearance proceedure. There is no charge against the two persons except the above facts.

As yet we have not taken any action through our attorney regarding Mr. Okamoto and Mr. Horino because they are presumably in Tule Lake, California. The distance from Denver to Tule Lake is so great that it would be almost impossible to have Mr. Mennin take up their case. Too, we are not financially able to take more than one case at the present time.

If your organization can help them out in any way, I am sure that they, as well as we, and all true Americans will appreciate it more than words can convey. It would, I am sure, really further the cause of justice and liberty which we are critically in need of in these present times.

We believe that this action was a clear-cut violation of a citizens civil rights guaranteed to us by the Constitution.

If you are interested in their case and would like further particulars, I would be very happy to send you all the information regarding the abduction-like treatment of these citizens. Any information of any kind that you would like to have, I shall be glad to send you at any time.

All incoming correspondence to Mr. Okamoto and Mr. Horino has been stopped and held by the WRA at this center so if you have sent any mail to Mr. Okamoto in the last few days, that are concerned with the present activities, please send a duplicate to the writer as it may be of help to us. Can the WRA legally tamper with the U. S. Mail? Mr. Okamoto and Horino were not charged with any crime. Their families are still here, and they should be the ones to receive the correspondence.

If you receive this letter, please reply at your earliest moment as the WRA may hold up any outgoing mail to the A.C.L.U. or other organization or persons who are interested in protecting civil rights. I would like to ascertain whether they do or not.

As yet, neither we nor the families of these two persons know of their whereabouts. How do you suppose we can get in touch with them? We would appreciate any suggestions or advice which you may be able to give us as to how we can go about in locating them.

I shall earnestly await your reply.

Very sincerely,

Minoru Tamesa

Minoru Tamesa
14 - 2 - B
Heart Mountain Center
Wyoming

P.S. Would it be possible, in your opinion, that the trial of the first twelve boys be made into a test case for the following groups?

RNB

April 10, 1944

Mr. Minoru Tamesa
14-2-B
Heart Mountain Center
Wyoming

Dear Mr. Tamesa:

In reply to yours of April 4th, I am asking Mr. Forster of our office to reply to you. I enclose a copy of the letter which I sent to Mr. Okamoto, both to Tule Lake and to Heart Mountain Center.

I also sent a copy to Mr. Meyer.

I doubt very much whether any correspondence is censored, except to persons under arrest. Undoubtedly that is the case in Tule Lake.

Sincerely yours,

RNB:AL

File
J/
Jap. Amer
Selective Serv
Heart Mt. Wyo

April 11, 1944

Mr. Minoru Tamesa
14-2-B
Heart Mountain Center
Wyoming.

Dear Mr. Tamesa:

With respect to the case of the 12 boys charged with refusing to appear for a pre-induction physical examination, the cases will probably be tried separately but, at the same time by that I mean, there will probably be a separate trial for each of them as the case is not presented under the conspiracy provisions of the Selective Service Act. I do not believe that Mr. Mennin would therefore be justified in asking a fee of One Hundred Dollars ($100) for each of the defendants. They do not believe that the trial will take very long. The court will exclude all evidence as to the reasons why they did not appear, the only issue before the court being whether or not they obeyed the order of the Draft Board. I should be surprised if the case would run more than a day or so.

With respect to the Okamoto and Horino cases, we shall consider whether or not they are appropriate subjects to test the issue of detention that we are interested in. As soon as we have come to some conclusion, we shall let you know. It is our understanding that neither of these two gentlemen have been cleared as to their loyalty by the W.R.A. As soon as we have more information, we shall let you know.

With respect to the question of censorship of the mails, our investigation shows that there is no censorship of mail in camps other than at Tule Lake and Manzanar. The only reason for censorship in the latter camp is that it is within the Pacific Coast military area. We understand that Mr. Okamoto and Mr. Horino are now at Tule Lake.

Very sincerely yours,

Clifford Forster

CF:V

Dillon Meyer
Okamoto
Heart Mt

April 6, 1944

PERSONAL

Mr. Dillon Meyer
War Relocation Authority
Washington, D. C.

Dear Dillon,

I enclose a copy of a letter to Okamoto, one of your old customers at Heart Mountain, Wyoming. I want you to see the attitude we have taken toward his repeated demands on us for help.

I would also be obliged if you would tell us whether he has been transferred to Tule Lake and if so, whether solely for disciplinary purposes or for disloyalty. If the latter, in what does the disloyalty consist?

We had assumed that all such evacuees at Heart Mountain were segregated before this.

Sincerely yours,

RNB:AL

April 11, 1944

MEMORANDUM

I called Dillon Myer, who made these points:

(1) Tule Lake is not being used as a disciplinary center and the two men who were transferred from Heart Mountain did not have leave clearances as loyal American citizens.

(2) The twelve men who refused military service at Heart Mountain will of course be prosecuted and should have been prosecuted earlier in order to stop the spread of disaffection. Mr. Myer feels that nothing can be gained by any defiance of law, whatever moral grounds are urged, and that these men will get and deserve pretty stiff prison sentences.

(3) Their grievances are only the same as those of all other evacuees, save for the alleged segregation in the army. That is not as complete as it is represented, and is due primarily to military considerations, not race prejudice. Race prejudice may be the reason for the refusal of the Navy to accept any men, but the army accepts many in special services with the exception of the air force.

(4) As to test cases on detention and leave clearance as a requirement for release, Mr. Myer said that they should be selected with great care, and that neither Okamoto nor Horino are suitable cases, since they have not had leave clearances as loyal.

He said that while he had hoped to abolish leave clearances and to permit free entrance and exit from the camps, this had proved impracticable, and the WRA would not change the regulations except by court order. I assured Mr. Myer that we would bring no test cases without consulting his office.

RNB

Minoru Tamesa
14 - 2 - B
Heart Mountain, Wyo.

April 17, 1944

Mr. Clifford Forster
American Civil Liberties Union
170 Fifth Avenue
New York City (10), N. Y.

Dear Mr. Forster:

Thank you kindly for your letter of the 11th and for the information contained therein.

At present there are fifty three boys held in custody for failure to report for pre-induction physical. They are awaiting trial at various locations in Wyoming for alleged violation of the Selective Service Act. We have reason to believe that they will all be transferred to Cheyenne for trial sometime in May. As we stated before, Mr. Samuel D. Mennin of Denver is representing the first group of twelve boys at a hundred dollars apiece for each defendant. We have already paid him the retainer fee of five hundred dollars. He has stated that if only three OR four cases are tried and others are held in abeyance while appeals are pending, he will make adjustments for the cases that are not tried in the lower court, however he has stated that if there are additional cases to be tried, they will of course be on the same basis.

At the present time, we are negotiating with Mr. Mennin for a more reasonable fee in the event that each defendant will have to be tried separately as we are not financially able to pay him one hundred dollars for each of the fifty three defendants.

If in the event that Mr. Mennin will not consider any other arrangement, would it be possible for the A.C.L.U. to furnish counsel for the defendants? Or would it be possible for your organization to recommend an attorney to us. We will pay the fees. This is not meant to be any reflection on Mr. Mennin as I hope that we will be able to work out a reasonable arrangement with him. We are not able to wait for the results of our negotiation with Mr. Mennin regarding the other groups of forty one boys as the date for their trial is drawing near and we want to be assured of a counsel for their defense.

In case of an adverse decision in the lower court, we are determined to take this case up to the Supreme Court. Would the A.C.L.U. consider representing this case in such an event if we will raise the

necessary funds to pay the costs. Thus far we have raised about four thousand dollars, but I am sure that we can raise more in the event we can put a test case in the Appellate Courts. Approximately how much does the costs amount to in taking a case up to the Supreme Court?

As you may know, the defendants are not evading the draft. They are contesting the legality of the Selective Service Law as applied to citizens in an unclarified and suspended status as regards their Constitutional and civil rights. Especially in view of the fact that most of them were reclassified 4C (alien class) by the Army solely on the basis of race and ancestry.

Would it be possible for the A.C.L.U. to arrange an audience with some members of your board if we should send a representative on behalf of the defendants to New York at which time he can acquaint you with all the facts pertaining to this case. If that is not possible, would your group be able to send a representative to Heart Mountain Center. We will pay expenses.

As I thought it may interest you, I have enclosed copies of two different hearings which Frank Emi had recently. One is a leave clearance rehearing because of his connection with the Fair Play Committee. The other is a hearing which Emi and I had after we tried to walk out of the center without a pass, to ascertain our status regarding our Constitutional rights in view of the citizens being drafted out of this center. We were promptly arrested by the military police and put into the guardhouse with a warning that should we try to leave the jail we would be shot. We were both served with a warrant of arrest by the Project Director and a complaint by the Internal Security officer of Heart Mountain. We have the original copies of these summons. From the record of Mr. Emi's leave clearance hearing, in your opinion, do you think the WRA would have the right to classify him disloyal and send him to Tule Lake?

Trusting that the above queries will not inconvenience you too greatly, I remain

Very sincerely yours,

Minoru Tamesa

Minoru Tamesa
14 - 2 - B
Heart Mountain, Wyo.

Enc. Two copies of transcripts of hearing.

April 26, 1944

Mr. Minoru Tamesa
14 - 2 - B
Heart Mountain, Wyo.

Dear Mr. Tamesa:

For the purpose of a test case, I do not think that more than one case is necessary to be properly prepared and appealed. The sum of $4,000 should therefore amply cover counsel fees and court costs for the test case. I therefore do not think that an additional charge should be made with all the other cases. It is my opinion that they can be handled more or less on a default basis. After all, the same problem exists with all of the cases and they all involve the same issues. It is only mere duplication of the work to have 53 separate cases prepared, tried and appealed.

My tactics would be to be thoroughly prepared with one case, have it properly briefed, tried and appealed. There will be convictions in all of them and while you are appealing the test case, notices of appeal can be filed in the others. You would save on counsel fees and costs of printing records in this way. It would be a good idea if you would have Mr. Morwin write me about it.

I have not as yet had an opportunity to read through the record of the Emi hearing. As soon as I get around to it, I will give you my opinion.

Very sincerely yours,

CF:Y

Clifford Forster
Staff Counsel

Minoru Tamesa
14 - 2 - B
Heart Mountain, Wyo.

May 6, 1944

Joy Anen, Legal Serv.
Heart Mt. Wyo.

Mr. Clifford Forster
Staff Counsel
American Civil Liberties Union
170 Fifth Avenue
New York City, N. Y.

Dear Mr. Forster,

We have received your letter of the 26th regarding the case of the fifty three boys in custody for violation of the Selective Service act.

Upon receipt of your letter we contacted Mr. Menin and asked him to get in touch with you, but as we had previously made arrangements with Mr. Menin to have him come down to Heart Mountain to discuss this case with us, he said that he would rather write to you after he had a talk with us. Also, that there was no rush as the trial will be held not earlier than the 22nd of May.

Mr. Menin arrived today and we had a discussion with him mainly on obtaining legal counsel for the entire group of fifty three boys. Up to now our arrangement with him was that he would represent the first group of twelve boys at $100 apiece. We asked him what arrangements he could make to represent the rest of the forty one boys as we could not pay him $100 for each defendent. Also, as you suggested we asked him whether the first case could be tried, and in case of an adverse decision, one person out of the group that is tried can make an appeal, or if possible, to have the whole groupof twelve or less be made into one test case for an appeal and let the rest of the forty one boys be handled more or less on a default basis. He was of the opinion that unless each defendent was tried individually and represented by his own legal counsel, they would prebably not be able to file notice of appeal while the test case is being appealed. He said that he would talk to the U.S. Attorney at Cheyenne and see if he could make arrangements whereby the whole group can be tried altogether as one or have them divided into two or three groups and have each group tried separately instead of each defendent being tried individually. He stated that if each case were tried separately, that it would take at least twenty five days for the entire group of fifty three and that $4000 would hardlycover the cost for the first trial. After he has talked to the U.S. Attorney, he will let us know how he will handle the entire group and what the fees would be. Also, he said that he does not have a license to practice in Wyoming and the trial judge will not give him permission

to try the case in a Wyoming court unless he has an associate attorney who can practice in Wyoming sit in on the case with him. That would probably take about three hundred dollars. He mentioned an attorney by the name of Walten of Cheyenne he had in mind and whom he would ask providing his fees were reasonable. He said that Walten was an A.C.L.U. man.

He stated that he would write to you as soon as he returned to Denver and he requested a copy of your letter of April 26 which copy we made for him.

Mr. Menin's attitude on the whole seemed very hazy about the prodeedure of handling the whole group. Of course we will know more about it after he has seen and talked to the U.S. Attorney, after which he will let us know just what his setup will be. We hope that some satisfactory arrangement can be worked out. We will keep you informed of any further developments.

Also, I would like to inform you that from now on until further notice, all communications will be made by Mr. Frank Emi---Block 9-21-B----Heart Mt. Please send any further correspondence to him. I am liable to be picked up by the U. S. marshal at any time now for the same reasons as the boys who are now in jail.

At this time I wish to thank you very kindly for your assistance while I was corresponding with you. I am prepared for whatever the future holds for me in fighting for a principle ~~fax~~ which I believe is right and just.

Very sincerely yours,

Minoru Tamesa

Minoru Tamesa

Kiyoshi Okamoto
5604-D
Tulle Lake, Calif.

Mr RogerN.Baldwin
Director, A.C.L.U
I70-Fifth Ave. New York City (IO)
N.Y.

May 8th, I944

Dear Mr. Baldwin,

Please accept my thanks for your analysis of April 6th. I saw it in the papers first. Mail was held up for a while until after I reached Tulle Lake. Hence the delay.

(I) The methods and proceedures of determining disloyalty or loyalty is a virgin test. It will make them perspire and, reminds me of the monkey business in Tenessee of some years ago in which you was instrumental. It should be important to the extent of preserving democratic practices within the WRA if not nationally. The privilliges of expressing opinions and redress is thereby suppressed; Manhood is cowed and, dictatorship and tyrrany is rearing their ugly heads. It is intrenching itself in the WRA. Shall it spread Nationally ? Freedom of thought and honest convictions built this Country into a great democratic Nation; Will subserviency of the Mass dictated by a few contribute to its progress ? The permission of arbitrary action to white-wash errors on the part of those responsible for the maintenance of Constitutional inviolability is a dangerous weapon in the hands of the irresponsible.

(2) As to having been cleared as loyal previous to transfer to Tulle Lake...I was approached to take advantage of the relocation indirectly through the Social Agent on one occasion. The second time I met her , she still had the thought on her mind. I believe it was directed from above. Next, I was approached to enter the educational section of the Relocation Program at about the time I began my campaign of educating the Internees as to the significance of the above program.

(3) In general, I have been personna non grata with the Project director and his assistant. One incident is that of the Miyahara case and the Leupp segregation Camp. You may recollect the details and results. So, I am not positive on this point. Certainly, they desired to get rid of me but, it seems they desired it to be so under their conditions which I denied.

(4) What the "leave regulations are" I am not sure.about it's provisions. I had a hearing in December Ist.I943. I have had no other methods or proceedures applied to me with the exception of the transfer to Tulle Lake. The charge for this transfer is a letter addressed to me by Robertson that I am suspected of disloyalty. (They are trying to prove it now through the FBI.)... subversive activities and sedition. I have written to Mr. Besig of San Francisco.on this . It appears to me however,the hearing itself is insuffecient warrant to brand me disloyal and the other appelations. Their proceedure looks like "the cart before the horse or punishment first and proof afterwards". Liable and

At least, it has taken them a long time to arrive at a decision. Moreover, the hearing was a one man proposition. My answers thereto were honest convictions...not trying to agree or disagree with them. ("Judge Metzger...I find myself bound, not by theirn opinions but by the Laws of the Land in arriving at my judicial conslusions".) Also Washington Post...." Their fate have been administratively determined without judicial trial...a most dangerous precedent etc"

(5) The transfer is for disciplinary purpose. To this may be added the suspicion the Project Director's policies by the Fair Play Committee's activities. The removal of James. M. Omura by the U.S.District Attorney as editor of the English Section of the Rocky Shinpo, Denver,Colorado ~~and~~ subsequently seem to tie in with the whole affair. Publicity is something the administration have feared from the beginning. This is one of the objectives for the existence of the FPC....publicity to obtain justice and fair practices.within. Hope something will develope here also. People are being covered — a shame to organized.

(6) Mr. Fitzgerald, the FBI was here Thursday and Friday of last week...May 4 and 5. Isamu Horino who challenged the Military guard his right to refuse egress and I were the subjects. We gather the impression that the Heart Mountain People are trying to tag us with subversive activities and sedition. Stress seem to center around three pamphlets distributed . I dmm was unable to satisfy him because I had very little to do with the activities of the Nisseis. (The movement of the Nissei pertaining to the refusal to go to the physical examination is a seperate act from the policies and objectives of the Fair Play Committee as a whole. The later envisioned the injection of Constitutional and lawful proceedures in the problems arising from the Evacuation. The Nisseis are only a part of the whole) A clarification of my position will be forth-coming if desired.

Isamu Horino however, was able to give full information since he took responsibility of the publication and distribution.

Mr. Besig have asked me to furnish him with the pamphlets. I did not have them here with me so asked Heart Mountain to do so. Am not certain whether he received them. Also asked me to send him my leave clearance transcript.It is still in Heart Mountain and, asking it be sent.if manageable.

(7) The above act and the removal of Omura from his editorship seem to have a close tieup...to whitewash themselves by prefering prior charges or, to let the incidents die out by evading or clouding the issues.

(8) Understand the San Francisco Office is going to consider my situation shortly. The implications involved is numerous and difficult of explanation through correspondence only. However, hope something may develope from your analysis. Permit me to remain,

Very sincerely and appreciatively

Aiyoshi Okamoto

Aiyoshi Okamoto

Dear Frank and friends;

We are supposed to leave for Cheyenne on Monday or Tuesday according to what the Marshall has told us. The Grand Jury is scheduled to convene on May 8th.

The fact that at last will come our chance for the trial for which we have so fervently hoped and prayed for all these past months is making us feel restless and impatient. But we are eagerly and determinedly awaiting the day knowing deep within our hearts and minds that no matter how the trial ends that we areare right. Our conscience and our hearts shall be clear knowing that we have had the courage to fight for a fundamental principle. We may lose the verdict, but the verdict shall be man made and with the passing of time, eternal truth and right will come to light; that is my firm belief.

Yes truly, it is the first time since our arrival here that time seems like time and that time does not fly. It seems only a mere three or four days that we have been in confinement when in reality it is about a month and half now.

Word has reached us through a hint the F.B.I. dropped when he visited us here that the prosecution will try to base their case solely on the matter of evading the draft. We are not considering whether to report for the draft or not, to live or to die, as the true issues nor the principle we are fighting for. We are hoping that the government for once and for all time will really try to solve the issue confronting it and not try to evade the issues; clarification of our Constitutional rights and review of the record of it past unjustified and discriminatory acts, and the remedy and rectification of the injustices committed and being

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committed on us during evacuation, its attendant pauperization of our people and the detention without cause of loyal citizens. We are hoping that they will do their utmost toward restoring the rightful and untouchable dignity of citizenship that is the birthright of any citizen of this nation.

We are firm in our belief that reinstitution of the draft without the discriminatory features as it applies to us at present should come only after proper clarification and reinstitution of full citizenship rights. The government should make us the free citizens that all loyal citizens of this nation should be before ordering us to serve in the armed force. In our present status of virtual war prisoners with all our civil rights suspended and limited, it is almost impossible for us to face the future without the fear that what has happened to us can always happen again. It is against the recurrence of such history blackening precedents that we are fighting for. We are fighting to make those words "regardless of race, color, or creed" become a reality and not mere vague and hazy ideals; we are fighting to get an interpretation of those immortal words that shall be so universally accepted that future administrations will fear to tamper with it.

Mr. Baldwin has stated "morally our case is strong but legally we are weak" or something to that effect. Just what will be the moral reactions of the citizens of the liberated and vanquished countries when they hear of a United States that keeps its citizens in status comparable to war prisoners behind barbed wires and military police?

He acknowledges that we are morally right. Does he mean that the administration is not morally right in their handling of the Japanese

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problem on the mainland?

A person who disregards or violates good morals is not well respected by his fellow friends. In likewise, a nation must practice and observe good morals to win the respect of fellow nations, especially in the case of the United States, the nation which will be the spearhead of the post-war reconstruction era and whose responsibility it is to spread the gospel of Democracy and its blessings among the liberated and vanquished nations.

The saying states 'practice what you preach.' It is essential that the United States shall practice what it preaches; that this nation shall practice true democracy--the democracy which gives its blessings and its protection to all its citizens regardless of race, color or creed, now. Otherwise, we may win the war but lost to the militant propaganda of the Japanese government, the philosophy of Asia for Asiatics. Otherwise critics can point out and say America is not a democracy for it discriminates against race and color, has different castes or classes of citizens (free, suspended and virtual prisoners), segregates and isolates one group of citizens from the others, it pits the majority against a helpless minority, it bans the right of a citizen to reside and travel as other citizens, it disregards the fact that a man's home is his castle, it dispossesses, pauperizes and ejects at will any group of citizens, it practices protective custody by which the innocent are placed in confinement, it practices detention of citizens without charge.

The United States must awake and should rectify the errors and injustices committed on us, otherwise this shall remain forever a blot upon the history and conscience of our nation.

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What prompts an individual who fully realizing the priceless value of life and knowing well that we can live but one life, to willingly offer his life in defense of his country? What is he fighting for when he joins the fighting forces?

You say, Democracy, that's what we are fighting for; Democracy, its blessings of freedom and liberty, the pursuit of happiness and livelihood, intolerance, justice and against unjustified persecution.

We wonder, are we blessed with the blessings of Democracy at home? Do we have homes, liberty, freedom and justice? Are we not supposed to be enjoying those sacred blessings and privileges as free citizens before we are to enter the armed forces?

The malignant growth that is cancer, unseen and unfelt at first, can if it remains unchecked long enough ruin and destroy the lives of men, and in a larger sense nations too. The violent propaganda of race hatred and race baiting now being so glibly expounded by these self-styled super patriots can warp and poison the minds of the uninformed and unthinking.

This nation was founded and prospered on the conception that this nation was the haven of those peoples unjustly persecuted and that they would all enjoy the blessing of liberty and freedom, was it not? I wonder what the average American citizens know about our peculiar and unprecedented predicament?

Give us a fair hearing before you judge those of us who suffered themselves to be placed behind bars. Bars which we feared would make us social outcasts in our communities on the west coast are now serving us as the

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means by which are fighting to obtain our Constitutional rights.

Again I say, getting rejected or evading the draft, those are not issues at hand. There is among us who has stomach ulcers he has had them for five years and been on a doctors diet and prescription and is consequently suffering from the jail menus. We are fighting to restore the rights and dignity of citizenship that is properly due a citizen regardless of his race or color.

Sorry I've rambled at will. Frank, I was wondering if you have forgotten Patrick Henry's 'Give me liberty or give me death' speach. Good thing you didn't think of it while you were in the guardhous cause you might have taken it literally and walked out and shot by the Military police on duty. I guess the moral of the barbed wire fences and guardhouse, the M. P. and your stroll is that you are not a free man. In short, you'll be a free man--but dead.

Please tell all our friends that we are all well and in high spirits. Give them all our best regards.

Stick with your good work and do it to the best of your ability. $16 a mont pay should not be what you are working for. Satisfaction comes from the knowledge that you have given your best to your work.

Sincerely,

George Ishikawa

C 5/20

Frank Emi
9-21-B
Heart Mountain
Wyoming

May 18, 1944

Mr. Clifford Forster
American Civil Liberties Union
170 Fifth Avenue
New York City, N. Y.

Dear Mr. Forster,

I have enclosed a copy of our latest communication from Mr. Menin. This is his agreement for defending the whole group of sixty three boys now awaiting trial.

After receiving this letter we had a telephone conversation on May 16 with Mr. Menin whereby he agreed to the proposition that we send him $500 now and the balance of the $500 just before the trial. He did not want to go ahead with the case until he got that. The Wyoming attorney with whom he has towork turned out to be Judge Watts as he has stated in his letter. He said he could not get Mr. Walten of Cheyenne.

Thus far we have paid Mr. Menin $500 retainer fee, $250 expense money, and $600 advance on his fees as originally agreed upon. He wants $1000 more for the whole group for the trial in the U. S. District Court. The total cost will be, it seems at present, $2350 plus Judge Watts' fees which will be a minimum of $250 and probably more. 1350

We believe the fees are too much, especially since it is to be a joint trial without a jury. Mr Menin waived a jury trial. Since there is no other course open but to let him finish the case, we have wired him the $500 as half payment on the additional $1000. As we did not wire him the $250 for Judge Watts right away, he collected it from the boys in jail. During the telephone conversation with him he agreed to our request that no advance be made above the minimum fee of $250 to Judge Watts and that if the trial exceeds five days, we would pay Watts every day the trial lasts over the five days.

Also during our phone conversation he stated that the trial was set for June 12 instead of May 22nd.

Could you inform me whether a retainer fee is usually applied towards the fees or not. In our case there was no definite agreement at the time.

As to the appeal, he is not certain whether it can be appealed or not. Would it be possible for him to file notices of appeal if the defendents desire it regardless of whether he thinks it is justified or not? In your opinion, what do you think are the possibilities of appealing this case. We feel that it is necessary to appeal in order to present their reasons and grounds for their stand. Whether they will win or lose the case is not as important as getting their side of the story into the record for the future. If they can win, of course, so much the better. At least they will leave a record that they believe in their citizenship rights and value it enough to fight for it against such unjust acts.

As we kind of lost faith in Mr. Menin because he does not seem to have our best interests at heart and we do not intend to have him handle the appeal case for us, is there any possibility that the American Civil Liberties Union would appeal the case. We do not have very much funds left to retain another attorney like Mr. Menin. If the ACLU will take this appeal case, we will do our utmost to pay the costs. I am sure that we can raise some more money in the event of an appeal. We sincerely hope that you will be able to handle it for us.

In case of an appeal, would it be possible for the whole group to be joined in one appeal or would it be appealed separately? Would that one appeal act as a test case for the rest? Approximately how much would it cost for the appeals including fee, printing costs etc? About how long would it take?

Please let me know as soon as you can regarding this appeal case and the other queries contained in this letter.

Very sincerely yours,

Frank Emi

Frank Emi

SAMUEL D. MEWIN

Counselor at Law
Ernest & Cramer Building
Denver, Colorado
Keystone 7509

May 12, 1944

Mr. Arthur Emi
Block 14-23-F
Heart Mountain
Wyoming

Dear Sir:

Pursuant to my conversations with Minoru Tamesa and others when I was in Heart Mountain recently, you will please be informed that I am able to obtain the services of Judge Clyde M. Watts of Cheyenne, Wyoming, who will appear with me as counsel in the trials of the various boys of Japanese origin, when they come up during the week of May 22. His fees will be $50.00 a day, with a minimum fee of not less than $250.00.

As you recall, my arrangement with you was $100.00 for each defendant to be tried and I have received the sum of $600.00 towards that fee, it then being the understanding that there would be approximately twelve defendants to be tried. However, it appears now that there will be in the neighborhood of some fifty or sixty defendants to be tried and under those circumstances I, of course, appreciate that $100.00 for each defendant would be prohibitive. Therefore, I shall be glad to handle the trials of all of the cases involving boys from Heart Mountain for an additional sum of $1,000.00. Thus, if you will send me this amount for my fees and approximately $500.00 for Judge Watts, of which sum I shall pay him $250.00 plus $50.00 for each day the trials will go beyond five days. If the trials do not exeed ten days, I shall return the difference between the extra $250.00 and the amount I will pay Judge Watts. Also, if Judge Watts' fee should exceed the other $250.00, I believe I will have some money on hand from the expense money that was previously sent me, which I will be able to use to pay Judge Watts. Therefore, I suggestthat you send me at your very earliest convenience the sum of $1500.00 to cover these fees and this amount will cover the trials in the District Court. If after those trials are had, Judge Watts and I feel that a situation exists that will justify taking appeals, we will then notify you and also inform you what our fees will be for the appeals.

Please do not delay in getting these fees to us, as it is necessary that definite arrangements be made for these trials at least several days before they occur and it will be only one week from the time that you receive this letter, as to the date of the trials.

Trusting to hear from you without delay, I am,

Sincerely yours,

Samuel D. Menin

SDM/bk

Kiyoshi Okamoto
22-8-B
Heart Mountain Center
Wyoming.

March 28th, I944

CF
RUCWD

Mr RogerN.Baldwin
Director...A.C.L.U

I70-5th Avenue
New York City, N.Y.

Dear Mr. Baldwin,

Twelve members of the "Fair Play Committee" were given a hearing before U.S. Commissioner M.S.Reynolds in Cody yesterday (Monday, March 27th, I944.) The charge is uncertain yet...probably evasion of the draft or refusal to go to their physical examination. The bond was set at $ 2,000.00 each. (The charge is - evading the Selective Service)

Whatever the charges may be, the point at issue with these twelve men are as follows...They refused to go to the physical examination because it would recognize Army jurisdiction over suspended Citizens in concentration camps;

They desire a clarification of their Citizenship status & rights. before committing themselves one way or the other.

They contend the selective service law does not apply TO them because of the uncertainity of their status.

They contend the Constitution and the Bill of Rights have been infringed upon because of the absence of the due process of law in their evacuation, concentration and detention etc.

They claim these errors and infringements have not been rectified.

They calim the Presidents proclamation with due process of law ~~hmmmmmm~~ terminated the obligations of a Citizens portion of the agreement in loyalty and allegiance.

As such, they contend the Government should have made settlement and proposals before any act to induct them into the Army.

In such wise, they contend the Army possess no jurisdiction over them until after the Constitution and the Bill of Rights have been strengthened aganst any fiture desecration;declaration of their proper place as Citizens of this Nation by either judicial pronouncement or Congressional act.

They contend that their loyalty and allegiance is first due to the Constitution and the Bill of Rights before any other considerations...especially since the President has not been able to justify the cause of this War. Moreover, they are defying the Secretary of Wars order of induction because they believe such compliance will strengthen the tendency towards dictatorship and tyrrany to finally undermine the principles and ideals contained in the Constitution and the Bill of Rights.

Without a challenge at this time to the un-Constitutional acts of the evacuation, pauperization, abduction, concentration and the detention, these twelve men believe DEMOCRACY will sonn go to the dogs. It will establish a precedent for others to consider the Instruments of our Government as scraps of paper. There will be no security for any Minority aganst persecution, plunder or injustic

Moreover, these people believe the intensity of the drive carried on by our WRA Administration is of deeper and sinister significance than appears on the surface.

They contend the pressure group on the Pacific Coast is bringing pressure on Mr. Stimson to draft as many Nissei as possib to eliminate any future Nissei problem after the War. The War Secretary indirectly may have influenced the WRA inasmuch as our Mr. Robertson is said to have made a hurried trip to Cheyenne the day after his return from Washington. The objective is to change the place of examination from Cheyenne to Denver. The former place rejected practically all. Denver is more strict. This leniency is objectionable to Robertson. He claims that the remaining Nisseis did not take advantage of the leave clearance to relocate on $ 25.00 pauper's allowance. Thereby, to rid of them, he desires to have the remainder inducted into the Army. You may recall that Mr. Stimson is an ancient agitator aganst Orientals ?

As chairman of this "Fair Play Committee" I am wondering if you can see something worthy of action to protect Civil Liberties and insure the sanctity of the Constitution and the Bill of Rights in the stand these twelve men are taking

Very sincerely

Kiyoshi Okamoto

Kiyoshi Okamoto
Chairman...Fair Play
Committee

22-8-B
Heart Mountain Camp.
Wyoming.

P.S. Tonight, a member of our Committee challenged Administration & his right of arrest by walking out of camp without W.R.A. permit. The F.B.I. and Cop officials decided they could not arrest him as requested by Robertson.

Tomorrow, he expects to challenge the Military guard & prevent his egress and ingress without their permission

By K. O.

AMERICAN CIVIL LIBERTIES UNION
170 FIFTH AVENUE
NEW YORK 10, N. Y.

Miss M. Okamoto
Pleasantville Cottage School
Pleasantville, N.Y.

Mr. Kiyoshi Okamoto who had been at Tule Lake was tried for disloyalty and found guilty. He had been defended by A.L. Stern. He was to be sent to a Fed Penitentiary, but his sister has heard nothing from him since that time. She is now trying to locate him & wants to know if we can help her

Okamoto

December 11, 1944

Mr. A.L. Wirin
257 South Spring Street
Los Angeles, California

Dear Al:

Someone has informed me that Mr. Kiyoshi Okamoto, a former tenant at Hart Mountain, later at Tule Lake, was "tried for disloyalty and found guilty" and has been sent to a federal penitentiary. I understand that you were eminent counsel for the defense.

What's this all about? It does not make much sense to me one way or the other.

Very sincerely yours,

Clifford Forster
Staff Counsel

CF jg

Okamoto
2889

LAW OFFICES
A. L. WIRIN AND J. B. TIETZ
257 SOUTH SPRING ST.
LOS ANGELES 12
MICHIGAN 9708

December 18, 1944

Okamoto
Select. Serv.
Cases,
Col

CF - 12/43

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Mr. Clifford Forster
A. C. L. U.
170 - Fifth Avenue
New York 10, N. Y.

Replying to your letter of December 11th, I am the "eminent attorney" responsible for the conviction of Okamoto and six others. They were indicted for conspiracy to violate the draft law. I represented them as private counsel.

The convictions are being appealled to the Tenth Circuit Court of Appeals. Both the trial judge and Court of appeals denied bail on appeal.

Sincerely yours,

Al

ALW:dm

A. L. Wirin