

OMURA, THE FAIR PLAY COMMITTEE & YASUI
PANEL

Frank Abe (Conscience and the Constitution) Emiko Omori (Rabbit in the Moon); Jim Houston & Jeanne Wakatsuki (FAREWELL TO MANZANAR); Frank Emi-Ht. Mt. Fair Play Committee; Yosh Kuromiya -resister Ht, Mt; Albert Saijo-Ht. Mt. 442nd, "OUTSPEAKS A RHAPSODY" Moderated by: James and Lane Hirabayashi

OMURA, THE FAIR PLAY COMMITTEE & YASUI

NARRATOR

On November 25, 1942, the Minidoka Irrigator printed a letter from Minoru Yasui to George Tani. Tani had been recruited from Oakland to work as an optometrist, at Minidoka, a camp for people from Seattle and Portland. All the optometrist's at Minidoka refused to work for the maximum salary of \$19. a month.

Tani and Yasui had never met. Both were members of the JACL. Tani was surprised by Yasui's personal letter and appealing to Tani from jail to raise money for his defense fund. Why didn't he write to JACL people from Portland?

YASUI

"Well, I won my case for all good, loyal American citizens. Damn, I wish I were in a position to carry the fight further, but because of my personal citizenship status, I'm going to have my hands full. But even if I were to sacrifice my American citizenship which I have never and never will voluntarily relinquish, I'm glad to have established the fundamental citizenship rights of Americans citizens.

"If the JACL doesn't carry on for me, all that I have endured thus far will have been in vain. George, rally the Nisei around and see if some definite steps cannot be taken to liberate the Nisei as a matter of right."

NARRATOR

Tani gave the letter the camp newspaper Minidoka

Irrigator:

NEWSVOICE

MINIDOKA IRRIGATOR

Internee newspaper of Minidoka Relocation Center, Hunt, Idaho.

November 25, 1942

Editorial-

"NISEI, YOUR MOVE NEXT

Min Yasui faces the prospect of a year's confinement in a "road camp", of paying a 5,000 fine for having failed to win his test case, as he termed it, in Federal District Court last week.

The sentence by Judge James A. Fee has terminated the first phase of Yasui's case which began last spring when he deliberately violated curfew laws, taking it upon himself to test the validity of what Senator Robert Taft termed, "The sloppiest criminal law I have ever seen or read anywhere." Senator Taft doubted its constitutionality.

Yasui also doubted its constitutionality and his doubt was subsequently proven justified with Judge Fee's ruling that without declaration of martial law, the military has no power to regulate the life and conduct of the ordinary American citizen.

We feel with Min when he writes that he is not in a position to "carry the fight further because of my personal citizenship status"

It is perhaps too much to expect Min to carry on when his right to American citizenship is challenged.

Is it too much for us to carry on where Min cannot? Is it too much for the JAACL, the national JAACL, upon which Min has pinned his hopes to clarify his case's wide implications, to actively see it through? His appeal should not remain unheeded.

Nor should the Citizens' League be burdened with sole

responsibility. What of the mass of us who have never closed that gap between ourselves and the JACL, who have stood at arm's length and criticized the organization?

Min's appeal to the JACL is an appeal to all nisei.

NARRATOR

Memorandum: March 10, 1943

From: District Intelligence Officer Thirteenth Naval District. To: The Director of Naval Intelligence.

REPORT

In so sentencing YASUI, Federal Judge James A. FEE ruled that the curfew and evacuation proclamation were not applicable to "American citizens." Judge FEE claimed that YASUI, through employment in the Japanese Consulate and registration with the State Department as propaganda agent of the Japanese government had elected, under dual citizenship status, to become a citizen of Japan. YASUI was found guilty, therefore by reason of being an enemy alien.

YASUI has appealed the citizenship ruling of Judge FEE, and a hearing was held February 19th in the district Court of Appeals, San Francisco, California. No decision has been announced to date.

Following the publicity in the Minidoka evacuee publication (The Irrigator) ... certain of YASUI's intimates got together and advertised a meeting for December 2, 1942.

This gathering was attended by some 300 persons who, as the "Irrigator" described them, "consider Judge FEE's decision as an "open wedge" in preserving the constitutional rights of the nisei and of reversing other

court rulings that have held the evacuation and curfew proclamations are justified." A standing committee of ten "to see the YASUI case to the finish" was selected at this meeting, composed of:

NARRATOR

What follows is a list of the names of officers of the Civil Liberties League. All are of members of the JACL. Why that fact is neglected in this report suggests some rivalry between the Seattle-Portland JACL, and the Salt Lake "Headquarters," and might explain why Mike Masaoka reported the Civil Liberties League was run by Communists and not by Portland JACL.

REPORT

This committee adopted the title "Civil Liberties League" and decided to contact the national Japanese American Citizens League for their official support of YASUI.

NARRATOR

ON April 7,1942. MIKE MASAOKA released Bulletin #142: RE: Test Cases, to the press.

MASAOKA

"The national JACL stands unalterably opposed to test cases to determine the constitutionality of the military regulations at this time. We have reached this decision unanimously after examining all the facts in light of our national policy of: "the greatest good for the greatest number.

"We recognize that self-styled martyrs who are willing to be jailed in order that they might fight for the rights of citizenship, as many of them allege, capture the headlines and the imaginations of many more persons than our seemingly indifferent stand. We realize that many Japanese and others who are interested in our welfare have condemned the JACL for its apparent lacksadaisical attitude on the matter of defending the rights and privileges of American citizens with Japanese

features."

NARRATOR

Yasui lost and was sentenced to time served. He was released to Minidoka. In 1943, Hajiime "Jim" Akutsu became a "No-No" boy at Minidoka. In 1944 Akutsu received his notice to appear and became a draft resister.

He walked across camp to test his idea for resistance on Min Yasui, a curfew resister from Portland, and a lawyer.

AKUTSU

"I was looking for a leader, or somebody to work with. So, I told him that with selective service, reinstatement of volunteering and selective service that was coming up--I said, 'I had a way that I can beat this thing. That was to prove myself an alien. With my doing I hoped the government will reconsider my citizenship status.'

"Well his being an attorney, I thought maybe, that I could get some clarification on a few things.

"He said, 'You'd better to take it easy.' In fact, he said, 'Forget about it.' And he said, 'What you should do, is go along with the draft.'

"Min Yasui told me that I have a chance beat up or even get killed in federal penitentiary. And he said, 'There's lots of tough people there, and for what you're doing, they may harm you.'

"So, I just said, 'Thank you very much,' and that's it--left."

NARRATOR

James Omura

JAMES OMURA

And one of the things I noticed is that everyone was jumping on the people who were resisting. No one was offering any alternative. So I scratched around, anguished over it, and finally came up with the idea, that if I throw out the Constitutional theme, maybe they grab it. So that's what I did.

"In reading Okamoto's documents I was attracted to the fact that he wanted to do it with a formal committee and that he wanted to take this case to the federal court. That he believed in fighting it on legal grounds. And I believed in doing it that way too, not to break the law. I couldn't tell the people to organize, but in essence I was telling them to organize.

NARRATOR
ROCKY SHIMPO
 FEBRUARY 28, 194

Nisei America

Know the Facts

By **Jimmie Omura**

Let Us Not Be Rash

OMURA

THIS department has been queried as to our opinion in regard to the petition movement in war-born relocation centers. Our reply is simple.

We are in full sympathy with the general context of the petition forwarded to Washington by the Amache Community Council and the Topaz Citizens Committee. We do not necessarily agree on all the points raised, however.

Insofar as the movement itself is concerned, the Nisei are within their rights to petition the government for a redress of grievances. Beyond that, it would be treading on unsure footing. We must not forget that we are at war. This department does not encourage resistance to the draft.

It is reported that five at Amache and the thirty at Hunt are guilty of resisting the draft. There will probably be more before this matter is finished. We cannot conscientiously believe that by these sporadic actions anything

concrete and fundamental can be achieved. **Those who are resisting the draft are too few, too unorganized and basically unsound in their viewpoints.**

EXPATRIATION is not the answer to our eventual redemption of democratic and constitutional rights. **Unorganized draft resistance is not the proper method to pursue our grievances.** Expressions and feelings of disloyalty, purely because democracy seems not to have worked in our particular case, are neither sound or conducive to a healthy regard of rights.

We agree that the constitution gives us certain inalienable and civil rights. We do not dispute the fact that such rights have been largely stripped and taken from us. We further agree that the government should restore a large part of those rights before asking us to contribute our lives to the welfare of the nation--to sacrifice our lives on the field of battle.

BUT those who have grown bitter with the evacuation must not forget that "eternal vigilance is the price if liberty." We have not been vigilant. We cannot condemn democracy for our present unhappy predicament. Democracy is not only a form of government, but it is also a spirit. If there is no spirit of democracy if our governmental leaders, we would not have democracy in action. **Let us therefore not condemn democracy but the men who manipulate public affairs and the masses who sympathize and condone undemocratic ideals.**

We should at all times stand firm on our God-given rights. We should let our voices be heard whenever an attempt is made to abridge such endowed privileges. But ours should not be an act of rashness or haste. We should think the matter through and in the ultimate end retain a proper regard for the implications and repercussions that in all probability would arise from our acts. **There is no reason why we should not petition for a redress of grievances, but there is every reason why we should not resist the draft in the way it is being done now.**

NARRATOR

Thursday, April 1, 1944

THE PACIFIC CITIZEN

Official Publication of the
Japanese American Citizens League

LARRY TAJIRI----- EDITOR

EDITORIALS:
The Rocky Shimpō

TAJIRI

If it is the function of a newspaper to inform and to counsel, then the *Rocky Shimpō*, a tri-weekly published in Denver, has, in the past two months, both misinformed and misguided. It must bear heavy responsibility for the fact that twelve, and possibly thirty Japanese Americans at the Heart Mountain center face prison terms for violation of selective service regulations. The English section of the *Rocky Shimpō* has editorially supported an attitude which would make a bargain-counter of loyalty, and it has magnified the protests of a small minority out of all proportion to their worth and influence.

The editorial function of a newspaper should remain the province of its editor, but when the irresponsible carrying out of this function approaches the thin edge of sedition and menaces the welfare of all Americans of Japanese ancestry, then it becomes the concern of all. It is difficult to believe that present editorial policy of the *Rocky Shimpō* is based on any naive belief that it will enhance the welfare of the Japanese American group. Already the adverse has been in effect. The

Rocky Shimpo appears deliberately engaged in attempt to undo the positive services which Japanese Americans at war and producing for victory at home have contributed. The Hearst press, the Lechners and the Haanns could no more.

NARRATOR
TIMELY TOPICS

By SABURO KIDO

KIDO

Our copies of the Rocky Shimpo arrive about one week to ten days after publication. Consequently we are unable to keep up with the rantings of its misguided editor....

What we regret most is the fact that the Nisei in other centers seem to have been influenced by the misguided writings of the editor of the Rocky Shimpo. Today's local paper contained the Phoenix dispatch that the nine nisei from Poston who were charged with draft violations were sentenced to three years in jail. They gave the same reason as the Fair Play Committee members; that is, "they did not know if they were citizens or not."

The "fearless editor" of the Denver paper is sitting as a one man judge these days. The Minidoka Irrigator was reprimanded for not lambasting the draft. The Heart Mountain Sentinel is rivaling the JACL for Number One position for his venomous hatred. The Manzanar Free Press, under the caption of "A Disgrace to Nisei Journalism" gets a verbal spanking. And since the Gila News Courier wrote an editorial more or less in favor of cooperating with the JACL, it also may come under the displeasure of the almighty. We

are gradually acquiring nice company on our side.

NEWSBOY

ERR- ROCKY SHIMPO!

NARRATOR

On March 25, 1944, the anthropologists of Community Analysis Section at Heart Mountain reported that the Administration had banned meetings of the Fair Play Committee and that subscriptions to the Rocky Shimpo, at Heart Mountain jumped from one thousand to twelve hundred. A sudden increase of two hundred. People who had been kids at Tule Lake, and paid no attention to the adults and their issues do remember the voice of a man, regularly chanting, in the streets between the barracks, "EERR-ROCKY SHIMPO! ERR-ROCKY SHIMPO!" and the rush of people toward the door to get their copy of Rocky.

EMI

FAIR PLAY COMMITTEE

"One For All and All For One"

Saturday

March 4, 1944

We, the Nisei, have been complacent and too inarticulate to the unconstitutional acts that were subjected to. If ever there was a time are cause for decisive action, IT IS NOW! **We members of the FPC, are not afraid to go war--we are not afraid to risk our lives for our country. We would gladly sacrifice our lives to protect and uphold the principles and ideals of our country as set forth in the Constitution and the Bill of Rights, for the inviolability depends the freedom, liberty, justice and protection of all people including Japanese Americans and all other minority groups. But, have we been given such freedom, such liberty, such justice, such protection? No!**

Thus, the members of the FPC unanimously decided at their last

open meeting that until we are restored all our rights, all discriminatory features of the Selective Service abolished, and measures are taken to remedy the past injustices thru judicial pronouncement or Congressional act, **we feel that the present program of drafting us from this concentration camp is unjust, unconstitutional, and against all principles of civilized usage, and therefore, WE MEMBERS OF THE FAIR PLAY COMMITTEE HEREBY REFUSE TO GO TO THE PHYSICAL EXAMINATION OR TO THE INDUCTION IF OR WHEN WE ARE CALLED IN ORDER CONTEST THE ISSUE.**

NARRATOR

HEARING

FRANK EMI

March 31, 1944

10:30 a.m.

Project Director's Office

PRESENT: Guy Robertson, Project Director
 M.O. Anderson, Assistant Project Director
 M.L. Campbell, Chief of Internal Security
 Donald T. Horn, Project Attorney
 Lt. John H. Kellogg, Heart Mountain Military Police
 Nobu Kawai, Sentinel Office
 E.C. Gorman, Internal Security Officer
 Frank Emi
 Minoru Tamesa
 Niro Abe

ROBERTSON: Which of you is Frank Emi?

EMI: I am.

ROBERTSON: Will you read the charge Mr. Horn?

- HORN:** (Addressing Emi) **Do you have a copy of the complaint and of the warrant?**
- EMI:** **Yes.**
- HORN:** **It is alleged in this complaint that on the 29th day of March, 1944, you and Minoru Tamesa attempted to leave this Center, to pass through the gate, without a pass or permit or without any authority from the Project Director. That is the substance of the charge filed against you in this case. Do you want someone else to represent you?**
- EMI:** **Well.....Mr. Campbell said the ones here would be witnesses.....**
- HORN:** **You understand the charges of the complaint; is that correct?**
- EMI:** **Yes.**
- HORN:** **Do you want to enter a plea of guilty or not guilty?**
- EMI:** **When you asked me if you want someone to represent me, do you mean someone here or some outside attorney?**
- HORN:** **Someone in here, or if you wish, you are entitled to some outside attorney.**
- EMI:** **Is this a hearing or a trial?**
- ROBERTSON:** **This will be a hearing for a WRA regulation. I will assess a penalty. If you are going to plead guilty, you don't need a representative. If you are going to plead something else, that is a different matter.**
- EMI:** **If this is going to be a well, more or less of a trial, I would much rather have an outside attorney represent me. Just when he will come down I don't know.**
- ROBERTSON:** **You know we have to try these cases within forty-eight hours.**
- CAMPBELL:** **At the time I entered the guard house, I asked these gentlemen if they had passed through the gate without proper authority and they said they had.**

ROBERTSON: You understand Frank, I am only trying you on a Project charge. You have violated a Project regulation. You know that. There isn't anything complicated about what I am going to do. If you can prove you had some...

EMI: Here is the reason I did that, Mr. Robertson. As far as guilty or not guilty I personally believe I am not guilty because I am an American citizen. And I wanted to find out how far my rights went. I wanted to find out how long I could be detained here against my will.

ROBERTSON: I understand that. You are supposed to obtain a pass before you can go through the gate. Lt. Kellogg is supposed to apprehend any one who goes through the gate without a pass. As to your rights, that will be taken care of later. If I can prove that you violated a Project regulation, it is up to me to assess a penalty, regardless of your rights in the matter.

EMI: In other words, Mr. Robertson, you imply that you have more power than is set forth in the constitutional bill of rights.

ROBERTSON: No, Frank, I have the power to do what I am doing.

EMI: Then I contend what you are doing is against the rights I have as a citizen of this country.

ROBERTSON: You have a perfect right to contest that at any time you want to. I would like Mr. Horn to outline the authority under which I am acting.

EMI: That is why I would like to have an outside attorney represent me.

HORN: This agency was established through an executive order issued by the president of the United States. And this executive order has delegated certain powers and authorities to the director of the War Relocation Authority. The director has delegated this power to Mr. Robertson; the power to enforce certain rules and regulations that are necessary for the proper administration of the project. In other words, you can't administer a project like this without necessary rules and regulations. I would like to ask you this...

ROBERTSON: Just a minute. You haven't explained that quite right. I don't make the

rules. This is not one of my orders that has been violated. I want you to explain to him that he has violated 503 the Presidential order: that he has violated the military order and I am merely enforcing it. He has not violated the rules and regulations set up by the project director. Would you go into that just a little further?

HORN: I think that you are aware of the fact that this Project area is also a military area and has been established as such by the war department. And leaving the project without the proper authority is in violation of the regulations.

EMI: Just how far does the military have jurisdiction around this center? That is the jurisdiction over the outer boundaries of this project? All around the area? I would like to have Lt. Kellogg Explain that if possible.

HORN: We'll take that up later.

ROBERTSON: We are trying to decide how to conduct this hearing.

HORN: The military police are in charge of the center gates and they are in charge of supervising the outer boundaries of this area. I would like to ask you this. Did you understand that you were not to leave the project without a pass or permit?

EMI: No. I thought as long as I am an American citizen I had the right to go where I pleased.

HORN: Have you ever been out of the center?

EMI: No.

HORN: Haven't you ever been out on short term, indefinite, seasonal or anything like that?

EMI: I was out on seasonal leave that first fall we were here.

HORN: Didn't you have a pass then?

EMI: I don't know. They fixed that all up for me. A farmer requested my

services outside.

HORN: You have known as matter fact that you cannot leave this camp without a permit or pass though?

EMI: No, I don't.

HORN: How long have you been in the center?

EMI: About two years.

HORN: How old are you?

EMI: Twenty-eight.

HORN: You have a high school education?

EMI: Yes.

HORN: College education?

EMI: One year.

HORN: I would ask you one other question. You attempted to leave the area without a Project pass the 29th. Where were you going?

EMI: I had no particular place in mind.

HORN: Where were you going when you started out the gate?

EMI: Just outside.

HORN: And where you going after got to the outside?

EMI: No particular place.

HORN: You weren't intending to leave the area though?

EMI: No, I had no such intention. I just thought I would take a stroll.

HORN: Have you been the habit of doing that?

EMI: No.

HORN: This is the first time?

EMI: Yes.

HORN: You have never left the project at any time without a pass?

EMI: No, that was the first time.

EMI: Another thing that may have motivated me to stroll out there is the fact that Selective service is now in--- it is in effect have and now other American citizen so I didn't think there was any restriction.

HORN: Have you had a leave clearance hearing?

EMI: I had one from Mr. Carroll and he told me verbally that he had recommended me.

HORN: As far as you know, you don't have leave clearance?

EMI: I don't know.

HORN: You say you did have a leave clearance hearing?

EMI: Yes, I don't know just how it stands now.

ROBERTSON: For your information Frank, you haven't been cleared by the Joint Board in Washington yet.

EMI: I think at the hearing there was some question about my question 28 and I said that I was loyal and it was an unqualified "yes" and at that time I also said that until my citizen status and rights were clarified and restored I don't believe that legally or Constitutionally I had any obligation to enter the armed forces because of that present suppressed and unqualified citizenship status.

ROBERTSON: That is going into something else. Did you know that Lt. Kellogg stops everyone regardless of whether they are evacuee or not; me, any one of my forces. We all have passes that we have to show. It isn't merely if they have leave clearance; that means they have a pass and present it

at the gate, both Caucasian and evacuee.

EMI: I have seen Caucasians come in with cars just wave at the guard and pass right through without stopping.

ROBERTSON: That is all true but I think in each instance the military police know that that person has a pass and they have examined it before. You will find that they all carry the same card that you carry when you go outside. That applies for everyone that goes outside the center. They all carry some kind of pass.

EMI: I don't know about these things because I never received one.

ROBERTSON: Did you intend to make a test case out of this?

EMI: I had no intentions of any kind. If...That depended on the outcome.

ROBERTSON: I think I will decide this matter now then before it goes to trial. I think you have been held long enough, as punishment for the violation that has happened. I am perfectly willing to turn Frank loose into the area. You understand of course, Frank, that if you want to go out you will have to come to my office for a pass?

EMI: Will you give me that pass?

ROBERTSON: Not until you get leave clearance. I can't give you a pass without leave clearance.

EMI: Why have I been denied that leave clearance?

ROBERTSON: You haven't been denied that. The Joint Board just hasn't decided your case yet.

EMI: Under whose authority is the leave clearance board?

ROBERTSON: The WRA.

EMI: In other words if the legality of the leave clearance---

ROBERTSON: Just for your own information you can test the legality from the Project

just as easily as you can from the jail. I believe you are on the stop list.

EMI: That's right.

ROBERTSON: We don't blame anyone for using the means at their command to rectify what they want but there are certain rules we have to abide by.

EMI: I would like to understand--- Am I guilty in this case as far as you are concerned?

ROBERTSON: I think you are guilty.

EMI: I want you to remember, Mr. Robertson, that I haven't pleaded guilty.

ROBERTSON: We are not to trial over this matter because of your attitude. I thought a trial would be made out of this but as long as you have promised me to abide by the regulations there will be no need to make a trial out of it. You go out of the gate without proper authorization again and we will have to pick you up again.

EMI: I would like to know... As far as my plea is concerned I was not guilty and if change it that way that is up to you as far as the rest of it is concerned. In my opinion I think I am "not guilty".

KELLOGG: As a matter of regulations I don't think there is any question about it. I was down at the gate before they went out and I explained the rules we had to enforce and they said the reason they were going out was get arrested and make a test case out of this. They knew they were breaking a rule and knew they were not supposed to go through.

EMI: Is there a law against going through?

ABE: Isn't the Constitution a little higher than the WRA law? If you were given orders to kill someone out here wouldn't you---wouldn't your conscience bother you? Would you obey that order just because it was on order?

ROBERTSON: I would enforce the law.

ABE: Any order you get from Washington, you would follow it?

ROBERTSON: Let me tell you something. I am an American citizen and I will obey the law and if I catch anyone not obeying law, I will punish them. The laws are enacted within the Constitution. These laws must be obeyed until they are declared unconstitutional. If I don't pick you up someone else will. A law is a law and know that. You have been in this country long enough to know that. If you want to appeal that the law is unconstitutional you must do that but you must obey the law while it is in effect until it is proven unconstitutional.

ABE: Don't you think it is unconstitutional?

ROBERTSON: I don't have the right to say.

ABE: If my citizenship is for the United States I think I should have a right to speak when it is right and when it is wrong. Doesn't your conscience ever hurt you? I am not for anyone like the WRA or JACL. I was brought up to respect the Constitution of the United States and the Bill of Rights and I was taught that if the United States calls for me to protect the Constitution of the United States I think I should go. I even have a wife and I am having a kid coming up. I think I should go. I am not kicking or anything. I am not fighting for the United States President or Secretary but I am fighting the Constitutional rights. We are not bargaining with anyone. We are just fighting for our rights. You know just as well as I do. Doesn't your conscience ever bother you?

ROBERTSON: My conscience doesn't hurt me a bit when I enforce a law that is in effect. I am not a judge. We have nine judges, nine men that are supposed to be the highest tribunal in the land. They do not allow me say whether it is constitutional or you to say so. It is up to that tribunal. They may nullify that law but until such time that say it is not a law, it is a law and every officer of the United States is to enforce it.

EMI: If you got a letter from Washington giving you an order would you enforce that rule and perform your duty regardless of whether you thought it right or wrong?

KAWAI: May I say a word Mr. Robertson?

ROBERTSON: Yes, Nobu?

KAWAI: I am here simply as a friend and have no interest other than as a friend of the party in this particular case and I am interested in it insofar as the civil liberties of the evacuees are concerned. I have discussed the implications of enforced detention in a relocation center as it applies to American citizens whether they have leave clearance or not. I believe evacuation has brought about a lot of questions which we feel should have a clarification by the Supreme Court. However, in contesting the legality of these particular rights which we feel are restricted, there are definite procedures to follow and I will support any sincere suit which is brought legally and in an American way, to contest the legality of our various restrictions. You, Frank, mention that we have a right, in your opinion, to return to the Pacific Coast area. I believe that right should be contested and I feel confident that in the near future a suit will be instituted but when it is instituted, it will be after the facts and legality are studied and I know that until we have a legal stand to ask for a decision on a particular case, we won't take action. It is true how regulations are not being enforced against the evacuees. I believe it is the constitutional right, I believe it is the American thing to do, to contest what, in our opinion, restricts the rights of an American Citizen. So what I say or whatever opinion I express I don't want the idea to get out or to go around camp that my opinion constitutes a stand on the policy of the Fair Play Committee because Frank is a member of that committee.

ROBERTSON: I think that statement is all right. I am not taking a stand against anyone.

ROBERTSON: Is your case about the same Tamesa?

TAMESA: As far as I am concerned, I am from Tule Lake and I didn't have any friends I can call on. All my friends are old people and they can't speak English.

ROBERTSON: You should know if you could go out without a pass.

TAMESA: That I don't know. I understood that those were the regulations as far

as.....There is a doubt in my mind whether my personal feelings of your orders--I think they don't coincide with yours. We tried and were stopped and I respect Lt. Kellogg. I think he is doing his duty. He treated us very fairly and if he didn't do his duty I wouldn't respect him. I think it is the same in your case Mr. Robertson, you are following orders. What my beliefs are it is beside the point.

ROBERTSON: What mine are is beside the point too. Do you understand our attitude about the future?

TAMESA: I think there is not any future in going out and getting picked up every time.

ROBERTSON: As far as I am concerned and if it is alright with Lt. Kellogg, I will dismiss this case. You boys understand the case as well as I do. If you want to get the law repealed that is now in force, it is your right to contest it. If I didn't think the law was constitutional I would find out through the court and if they didn't think it was unconstitutional that is the final order. Until such time as they decide a law must be in enforce [sic].

EMI: What do you think about the evacuees being in here and as you know not having the right to travel freely and the fact that the Selective Service is applied to them now? Just what is your feeling about this? They don't have the right but must perform their duty or obligation.

ROBERTSON: That's the law Frank.

EMI: That sort of goes back to the thing that started the American Revolution doesn't it?

ROBERTSON: Something like that....

TAMESA: Could I express an opinion? Sometime ago I received a letter from the draft board that I was cleared by Naval Intelligence so I was okay for the Army. A few days ago I asked for a pass to Cody but was denied. That is one reason that I want to say...

HORN: Do you have a leave clearance?

- TAMESA: No, I don't think so.
- HORN: Did you have a leave clearance when you came here from Tule?
- TAMESA: I was supposed to have been cleared. That's the way I understand it. I was denied a pass.
- HORN: Who did you ask about getting a pass?
- EMI: Whoever is in charge of that thing said you are on the stop list. Naval Intelligence can clear him but WRA has more power?
- ROBERTSON: WRA can put anyone on the stop list. If you are on the stop list the case will come to review. That is why we have the joint board.
- KAWAI: For the information of both Frank and Minoru will you outline to them what you outlined to me about the procedure of the joint board that they are doing this as fast as they can; that they will be through by the first of June and those who are segregated will be sent to Tule Lake and everyone remaining in the nine relocation centers will be eligible for leave?
- TAMESA: I appreciate Mr. Kawai speaking in Frank's and my behalf but I don't know Mr. Kawai so....I just received this letter from my draft board that Naval Intelligence has cleared me. I believe I only received it a week or so ago. In the meantime I don't believe I have broken any laws in the Center.
- ROBERTSON: You did when you went through that gate without a pass.
- TAMESA: Yes, but I am curious why I was put on the stop list.
- ROBERTSON: I don't know this myself. In most every case the stop list is compiled by someone in Washington. You are put on the stop list for investigation and you have a hearing. It goes back to the board and they may put you on the stop list. The stop list means that you are not eligible for leave clearance and eventually they will be transferred to Tule Lake. They expect to finish this group of leave clearances by June 1st.
- ABE: What is this Tule Lake? What does it represent?
- ROBERTSON: It is where you are sent when you'd rather be loyal to Japan than to the

United States, and are eventually sent back to Japan.

TAMESA: The point I was curious about was that this was a draft communication from the draft board and if at any time they said I was perfectly eligible for the Army and here I would be considered a very bad citizen and don't have the privilege of getting a pass and other matters....

ROBERTSON: Here is the idea on that. If you are on the stop list and if the Army calls you the Army is more powerful. **Until they army calls you we have to enforce the stop list. When the Army calls you, you must go or suffer the consequences. You can't get away from that. Until the Joint Board releases you from the stop list we have to apply the rule.**

EMI: **In my opinion I think that type of procedure is not very American. It does not conform to the democratic principles of this nation.**

ROBERTSON: If you are on the stop list there is some reason for it. Are you sure that was Naval Intelligence? Wasn't it Army Intelligence?

TAMESA: How maybe it was. Yes, I think it was.

ROBERTSON: If they clear you and put you on the list for induction then I may clear you on the stop list.

TAMESA: I was curious about the thing. We have to follow the law.

EMI: One thing I would like to have clear in your mind Mr. Robertson. Any action that I have taken, it is not with the intent of disloyalty, it is purely from the standpoint that I consider myself a loyal American citizen.

ROBERTSON: I understand your loyalty. The only think I think is that you proceeded the wrong way. I think that if you want to clarify it there is a legal channel open. An attorney would do you more good. You can't buck the law. If you want to test the legality of the law you should keep out of jail and have an attorney. if you follow the proper channel you will get farther.

TAMESA: I don't know about Frank but in my mind I was not sure if I was breaking the law until I was stopped. That was for my own satisfaction. I am sorry to have caused you trouble. They treated us very fairly down there so we have

no kick coming on that.

ROBERTSON: I think we understand each other better now.

EMI: There is one last request I would like to make. Could I have a copy of this hearing?

ROBERTSON: I wasn't even going to have it transcribed but you may have a copy if you want it

NEWSBOY
WYOMING EAGLE

**Editor Jap
 Paper Arrested**

DENVER, July 20,--(U.P.)--FBI agents in Denver believe they have eliminated at least one of the causes behind Japanese-American violations of draft laws with the arrest of four Nisei...

Among those arrested today is the so-called "English Editor" of the Rocky Shimpo, a Japanese newspaper published in Denver. The editor James Omura, is identified as the publisher of the pre-war "Current Life," a Jap-American magazine published before Pearl Harbor in San Francisco.

NARRATOR

In 1944 Minoru Yasui was a hero to many Nisei for having resisted the curfew and gone to the Supreme Court with Hirabayashi to test it in 1942. Mike Masaoka, spokesman for the JACL, had called Min Yasui "a self styled martyr out to win headlines," in his "JACL BULLETIN 142 : RE: TEST CASES." Yasui was also a member of the JACL. He replied with his own version of Masaoka's bulletin. He answered Masaoka paragraph for paragraph. From jail, he also issued another

bulletin, titled "Why We Should Support Test Cases."

He says:

YASUI

"I strongly felt and still believe, that it is the duty of every American citizen to resist any infringement upon the basic principles of our nation. This is our duty as American citizens, as much as it is to fight and die on battlefields in defense of our nation."

NARRATOR

In 1944, on behalf of the FBI, and representing the JAAC Denver office, Min Yasui and Mike Masaoka's brother, Joe Grant Masaoka visited the resisters in jail. They offered them dropped charges, if they turned against their cause, and agreed to testify against the leaders of the Fair Play Committee in the conspiracy trial.

They interviewed six men in jail. One they visited was Yosh Kuromiya, the man who liked to sketch Heart Mountain.

YOSH KUROMIYA

"Both Min Yasui and Joe Grant Masaoka interviewed me. I was the fifth or the sixth one they took from a cell into this room, and there they were.

"Min Yasui challenged the government on the legality of the curfew law, by violating that law and establishing a test case, I felt that we doing pretty much the same thing.

"I was rather confused as to where his position really was. I didn't know whether this was somebody I could trust or not. I had these mixed emotions about it. However, in the course of the interview it became apparent what his purpose was. And I lost respect for the person.

"There was no way that I would change my mind."

NARRATOR

Another was Ike Matsumoto, from the streets of Los Angeles, Li'l Tokyo.

IKE MATSUMOTO

"Oh, yeah, he was saying we should change our minds cuz he heard that a lot prisoners--not a lot of 'em-- that *one* -- was hit with a two by four. And when he said 'two by four' I figured, gee, that's a big stick. Nobody's gonna hit anybody with a two by four! So I figured this guy's giving me a lot of story.

"They said why don't I change my mind and go back to camp. And I said, Gee, we been here this far, can't change our mind now!"

NARRATOR

Not one of the Heart Mountain boys they interviewed accepted their offer.

Yasui wrote In his secret report to the FBI:

YASUI

"Those who might want to change their minds, convinced of the error of their ways, would probably not be tolerated. For these separate and individual cells would allow considerable introspection and self-analysis. It would supplant individual decision for group pressure."

JAMES OMURA

Why that son of bitch! He is suggesting they be put into solitary confinement to break their will.

Well we always knew there was something wrong with him. Actually what made us very suspicious of him, was that he came to the Rocky Shimpo, to complain about the Rocky Shimpo's emphasis on the Fair Play Committee.

And I invited him, if he would write an objective article that we would give him just as much importance to that as anything else. Which he did, and which we published.

Just before he left, I was holding the door open to the street, he turned around and he says, 'I'm going to see

you go to prison, one way or another.'

Over the weekend I thought about that. That bothered me great deal. And on Monday, I came to work. I told the publisher, 'I think this man is an informant. And so we ought try to confirm it.'

I didn't ask the publisher [Tetsuko Toda] to call the FBI. She volunteered. She knew an FBI agent. She made the call. And they told her that, 'Mr. Yasui isn't in yet. He's a little bit late this morning, and that we should try the marshal's office.'

"And when I called they told me that Yasui is very late this morning. It's possible that he sometimes go to the FBI first before reporting in.

I don't know what his third stop was. But I suspected it was to Naval Intelligence. His next stop was to the WRA, in the afternoon. So, I was very well aware the he was an informant."

NARRATOR

In Laramie County jail, in Cheyenne they sing a song written by two men from Hawaii. The song is based on a Hawaiian worksong HORE HORE BUSHI. Like the original worksong, SONG OF CHEYENNE is rough unsophisticated and manly, and oddly plaintive. The song was found, copied in Japanese, in the wallet of Mr. James Kado, a draft resister from Heart Mountain. From Heart Mountain, he has a kept series of three inch by five inch notebooks into which he had copied, by hand, the entire US Constitution.

SINGER

SONG OF CHEYENNE

BY

Mr. Yanagisaki and Mr. Sumida

Aloha Cheyenne Kago-no-naka

To to nanamey sunde -iru

Aloha Cheyenne, we're in the cage

Ten to seven of us live here

Hige-wa boboto haemasita

Dare-ga ichiban ngai-ko-to

Our beards have grown wildy

Who has the longest one?

Aloha, Waiomin, Larami Kauntie

Asa-wa hachiji-kara yoru-wa-kuji

Aloha, Wyoming, Laramie County

Eight in A.M. till nine in P.M.

Poker gaimu-ni bakuchi-bana

Neru-maeni-wa baka-bana-shi

Poker game we bet like hell

Before lights out we chat and chit chat

Aloha Harto-yama natsukashii

Itsu kaeru ka wakara-nai

Aloha Heart Mountain, we long for you

We don't know when we shall return

Mesu hoolu-no pooku sooseiji

Hara kudashi-nya kaka-te-yuku

Pork sausage in the mess hall

Gives us the diarhetic gallopng trots

Aloha Harto-yama koi-no sora

Aloha Heart Mountain, I miss your sky
