CENTER FOR ORAL AND PUBLIC HISTORY
CALIFORNIA STATE UNIVERSITY, FULLERTON

Japanese American Oral History Project

# An Oral History with FRANK S. EMI

Interviewed

By

Arthur A. Hansen

On October 6, 2004

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CENTER FOR ORAL AND PUBLIC HISTORY
CALIFORNIA STATE UNIVERSITY, FULLERTON

NARRATOR: FRANK S. EMI

INTERVIEWER: Arthur A. Hansen

DATE: October 6, 2004

LOCATION: San Gabriel, California

PROJECT: Japanese American

AH: This is an interview with Frank Sashi Emi, and the interview is being conducted by Art Hansen. The interview is being held on October 6, 2004. The place of the interview is Frank Emi's home in San Gabriel, California. The time of the interview is about a quarter to two in the afternoon. And the first question I want to get into today, Frank, in this interview—which is being done for the Japanese American Project of the Center for Oral and Public History at California State University, Fullerton. The first question I want to get into is this. The purpose of today's interview is not to do a life history review of you. That has been done several times and the picture of your life is quite clear. There's obviously things left out, but we got a good historical record on that. What we don't have is clear historical record on the details connected with first the conspiracy trial that you were in, in Cheyenne, Wyoming, in October, November of 1944, and the subsequent appeal decision by the Tenth Circuit Court of Appeals in Denver. I want to get into, not only the trail and then the appeal process, but also all the preparation for both of those between you and the lawyer that you and the others had for that particular situation. And that was a famous civil rights lawyer—social justice lawyer ACLU [American Civil Liberties Union] lawyer, A.L. Wirin. I guess that's Abraham Lincoln Wirin. Let's first, just for the record, set the story straight by telling us, briefly, a little bit about your early life and what led to your participation in the World War Two exclusion and detention experience. And then how this gave way to your participation in the Fair Play Committee Draft Resistance Movement at Heart Mountain, and that will set the stage for what we could talk about in detail today, okay?

FE: Okay. Well, we had a business in LA, which we started two years before the war. And we had about $25,000 invested at the time, but do to the evacuation; we had to dispose of it for $15,000. We took a tremendous loss, like most other Japanese Americans that were in business or had property; took huge loses. We were sent to the Heart Mountain Relocation Center. I call it a concentration camp because as I learned a little bit later, it was a concentration camp. While there, in the spring of

1943, they forced the very controversial so-called loyalty questionnaire into the camp, which had two very questions 27, 28. And question 27 said, Will you serve in the armed forces of the United States combat duty wherever ordered? And what made that very meaningful was that the sheet that the questionnaire was on had the logo of the Selective Service System on the front page. And a block there said local board, date stamp, and number. So, if you answered yes to that question, it was almost like you were volunteering. So, to that question I said, "Under the present condition and circumstances, I cannot answer this question."

Question 28 was a little more ambiguous, it was a two-part question. First part said, Will you profess loyalty to the United States, which was okay. No problem with that. The second part said, Will you absolve any loyalty to the emperor of Japan? Which was ridiculous because we never did profess loyalty to the emperor of Japan. And if we answered yes to that, it will seem like at one time or another we might have been saying we were loyal to Japan. And in the case of our parents—could not become U.S. citizens because of the laws at that time—they would have become stateless persons. They would profess—absolve their loyalty to Japan because of their native country, and then they couldn't become U.S. citizens here, so then they became men without country. So, it was a very bad question, and then to that question, too, I answered in the same way. "Under present condition and circumstance, I can't answer this question." But later, when I was sent to have a leave clearance hearing, if you said no to the question 28, you would be sent to Tule Lake. And since I was married and had two children, I didn't want to be separated from my family. So, I changed my answer from that previous answer to "Yes, under condition that I never did profess loyalty to the emperor of Japan."

So, this took place in spring of 1943, it was about that time that some of us felt that we had to do something about all this injustice. So at the time, there was a guy by the name of Kiyoshi Okamoto who was going around camp calling himself the Fair Play Committee One. And in fact, he would start talking about the constitution and how all of our rights were trampled in our case. So, at one meeting where at a public meeting the associate editor of the *Heart Mountain Sentinel* came to speak urging everybody to sign yes to the questions 27 and 28—at the end of his speech—Mr. Okamoto got up and sort of educated the people that what we went through was really denying all the constitutional rights we were supposed to be having. So, we felt that—some us who felt very strongly about all this injustice, got together with him. After a couple of meetings, we formed a Fair Play Committee as an organization, instead of the Committee of One.

And it was after that in January of 1944 that the Army said that they were going to subject the young men in the internment camps to the draft—military draft—on the same basis of the people on the outside, which when we heard about it, it was really astounding. We didn't think it made any sense at all. So, the Fair Play Committee took-up the draft issue and we held public meetings, mass meetings in various camps, various blocks of the camps. At which time, it was standing room only because the young men were very concerned about this. And as time went on, we held meetings at different blocks. And we were just giving-out information at the time, explaining how everything was denied to us. All the constitutional rights that we were suppose to have were trampled on.

And after a while, some of us felt that we had to take a stronger stands instead of just being informational. So, after a pretty heated discussion in our steering committee, several of us felt that we should take a stronger stand. And we came out with this declaration—or manifesto if you will—stating that under the present conditions, until we are restored all our rights, we will refuse to submit to the physical examination or to the induction in order to contest the issue. And through our efforts, all the eighty-five young men refuse to resist the draft, and they were consequently—subsequently tried and convicted of the draft evasion and were sentenced to three years.

[00:10:24]

AH: Now the first case—

FE: That was the first case.

AH: Was sixty-three, right?

FE: Sixty-three, yeah.

AH: And then, when did the other ones—the other twenty-two get tried?

FE: After they—the first sixty-three were convicted, they came after the rest of the group. That was twenty-two of them, I think they didn't actually have a trail. And the sixty-three, they were convicted in the same issue.

AH: Was that before or after your—

FE: That was before—

AH: So, they're all over the eighty-five—were all convicted before you had your trail?

FE: Right.

AH: Okay, all right.

FE: Then we appealed to the Tenth Circuit Court of Appeals for the sixty-three and the later twenty-two. But, that court refused to overturn the lower court decision in the conviction. And in doing so, however, they implied that the government was wrong. And what they did, because one of the judges said that two wrongs do not make a right, implying that the government was wrong in the first place. But, still the appeal was denied. We next take it up to the Supreme Court. I think I got a couple of the transcripts there for that appeal. But, the Supreme Court did not even review the case, so their appeal process actually ended at that point.

AH: So, that stood until 1947 when they got commuted by President Truman?

FE: Yeah. In 1947, President Truman gave all the Nisei draft resisters blanket presidential pardons, restoring all their civil and political rights. And in doing, they made a little further statement to the Japanese resisters. In a few words they said that they understood the reason for their stand in this thing. So, in fact, they were a little more understanding of the JACL at that point, because at that point JACL was still being very hard on the resisters.

AH: Let me see if I can get this straight, because Truman pardoned more than just the draft resisters.

FE: I think he pardoned all the draft resisters at that time.

AH: Irrespective of Japanese or whatever?

FE: Right.

AH: And then were there separate words said to the Japanese draft resisters?

FE: One long paragraph.

AH: Okay, okay.

FE: Pardon—head of the pardon board. Pretty well written statement, but I don't have it here.

AH: Okay.

FE: But, the gist of it was that they fully understood why the boys refused to obey this instruction of the subsequent board.

AH: And by this time, certain decisions had been made. Such as in Tule Lake by Judge [Louis E.] Goodman that helped fortify this kind of opinion, too?

FE: Right.

AH: Okay, okay.

FE: Yeah, Judge Goodman from Tule Lake had dismissed the draft charges against twenty-seven of the Tule Lake resisters. Said that it was shocking to their conscious that something like this would happen.

AH: Okay.

FE: Well, after the sixty-three were convicted—and the twenty-two were later convicted—they came after the leaders of the Fair Play Committee, the most active

leaders. And we were charged with conspiracy to violate selective service, aiding and abetting others to resist the draft.

AH: And let me see if I can start asking some questions. Were you fully anticipating this that they would come after you, after they took care of the draft resisters themselves?

FE: Oh, yeah. Even from the beginning we were quite sure they would likely do something to us. I don't know exactly what they would try to do. But, because we were flatly challenging the United States on this draft thing, that they would do something. Didn't know exactly what would happen.

AH: Now, you were a very organized draft resistance movement. If you look at everything, it's very, very self-conscious, very open—

FE: Um-hm.

AH: The whole process, you applied for times and spaces for your meetings until they simply started ignoring your request, and you held the meetings anyway. Everything was very much understood not only by the people involved by the administration. Your meetings were open. What kind of contingency planning were you starting to do, and when did that start? Did it start even before the June trial for the sixty-three draft resisters? Did you start making contact and getting a lawyer or getting recommendations for a lawyer to handle your case? Or what was going on there?

FE: Well, we started getting membership fees of $2.00 each in early part of the year. Before the fellows even started—

AH: In early '44?

FE: Yeah. So, we were preparing for any kind of contingency at that time. Figuring that we may have some kind of law.

AH: And did you have a lot of your money spent on the trail in June for the sixty-three? Did that cost you a lot of money?

FE: I think we spent close to $5,000 at that time.

AH: And [Samuel] Menin is who you—

FE: Menin.

AH: And who else was helping Menin on that? Who was the local—

FE: There's a Mr.—what was his name?

AH: I can look that up. It was somebody from—

FE: He had to have a Wyoming, Cheyenne lawyer to be in court with him.

AH: So, it was the two of them. But, you're paying for both of them, basically?

FE: Right.

AH: And why was Wirin not chosen at that time? Because later on when you reflect on it, you say, "Geez, if Wirin would have been in there rather than Menin, it might have made a big difference."

FE: Well, at that time, Mr. Okamoto had a friend in the Denver named Silvia Tokioshi—who was an American Japanese man. And she recommended Menin because she heard that he was a very tough civil rights attorney.

AH: Was he ACLU affiliated at all?

FE: No, I don't think so.

AH: So, it wasn't Okamoto's direct connection, it was through Silvia. And did you know Silvia's husband because he seems to me an anonymous type figure in all of this. Did you know him in camp?

FE: No.

AH: Okay, but you never met Silvia before then, either?

FE: Did I ever meet Silvia? No.

AH: How did Okamoto meet her?

FE: I have no idea. He must have known her from before, I think.

AH: Okay, and then she takes-off before your trail, doesn't seem to be around at the time you were having your conspiracy trail. I was just kind of wondering about—

FE: I think she was on shaky grounds, too.

AH: Okay.

FE: I corresponded with her a couple of times from camp; Okamoto was corresponding with her.

AH: Okay, but you never met her?

FE: No.

AH: Did you meet her after the war at all?

FE: No.

AH: Okay, you've never met her?

FE: I never met her.

AH: Okay. And this is probably true of the other people involved in trail. Except for Omura met her, but he was on the outside like she was. And then, Okamoto must have met her, or maybe he didn't. Maybe he just corresponded with her.

FE: I have no idea.

AH: And did you ever meet the husband?

FE: No.

AH: Even after this was going on?

FE: I didn't even know who the husband was. (chuckles)

AH: And so, you don't know where they were from or anything else?

FE: No.

AH: Or L.A. area or where they were from?

FE: No.

AH: Okay, continue with your story. So, you—Menin was obtained—services were obtained. Then you had to reserve after that; trial was over or were you depleted?

FE: We were depleted temporarily when we took it up to the appeals. Then mostly from the parents of the sixty-three, they put-up the money for the appeal.

AH: Now, a lot of the money had been spent to bail you guys out of jail, right? Because you were picked-up in May, and that trial is in June. Were you in jail at the time that the trail was held in Cheyenne, or were you back in camp?

FE: I think—let's see—I can't remember exactly, but I think we weren't in jail for very long, maybe a couple of weeks.

AH: Okay.

[00:20:01]

FE: At Cheyenne for about a week or so, and went to Laramie for another week or two. I don't remember.

AH: So, the chances are you were back in camp, because you got some reports about the trial, didn't you? Was it your brother who sent the reports back—

FE: No, what's his name that just passed away? Kozie Sakai.

AH: Oh, okay.

FE: Yeah, he went into Cheyenne. He was sending me reports every day, sometimes twice a day, morning and noon hearings.

AH: Okay.

FE: So, we were out of camp when they had their trial. I and [Guntaro] Kubota.

AH: So, between the newspapers that you were able to obtain, and between Kozie Sakai's correspondences, you were able to at least get some sense of what was proceeding at Cheyenne.

FE: Yeah.

AH: Okay, now by that time, had you made contact with A.L. Wirin or not?

FE: No, not at that time.

AH: Because I know you have letters and stuff. When did the relationship get forged, and how did it happen?

FE: Right after we were charged.

AH: Oh, really?

FE: Yeah, I think so.

AH: And you got charged in May?

FE: Right.

AH: Okay, and then you were indicted by a grand jury, and then you were put into the jail, and then you stayed there for two weeks. And, in those two weeks that you were in jail, was Wirin in the picture? Or can you remember?

FE: I think he was because I think as soon as we were charged, my brother wrote to Wirin. My brother took up the correspondence, and we got him to represent us.

AH: And was the Wirin connection going back to Okamoto, in the sense that Okamoto was in the ACLU? He must have been in the ACLU in Los Angeles before the war.

FE: I think he must have been the one to suggest that we contact Wirin.

AH: This time, when this is going on, he's out of the picture, too, because he's in Tule Lake, right?

FE: Right.

AH: Okay, so did you have correspondence with Okamoto when he was at Tule Lake?

FE: Oh, yeah, this one here is all that—

AH: So, you had a lot of correspondence. And then [Min] Tamesa was where at that time?

FE: Tamesa was—

AH: Because you had five people at Heart Mountain, and you had two people that were in Tule Lake. And then [James] Omura[1] who was in jail a little bit longer than you guys, because he didn't want to take-up your offer of getting the bail money. So, he had to find another bail bondsman to spring him, and so he stayed a little bit longer than you guys did.

FE: I'm trying to figure out where was Tamesa. Because there was quite a bit of correspondence with Tamesa and Wirin, too; and Wirin and my brother.

AH: Who was the other person that was picked-up and went to Tule Lake along with Okamoto?

FE: Sam Horino.

AH: Sam Horino, so those two are the ones. So, Tamesa is still back in camp?

FE: He must been.

AH: Uh-huh.

FE: There was no correspondence between Horino and Wirin, but there was between Tamesa and my brother. I don't think there was much correspondence between and Okamoto and Wirin either, because Okamoto was already in Tule Lake, and I think they were sentencing him and everything.

AH: And when did your letters start with Wirin? I'll see that when I look at your letters.

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[1] James Omura, O.H. 1765.1, 1765.2, 1765.3 & 1765.4, Center for Oral and Public History.

FE: I'll have to look at it.

AH: But, it started before the trial, while you were in Heart Mountain?

FE: Yeah.

AH: Without the specific dates or anything, was the nature of the correspondence the preparation of your case? Was it to try to get information from you?

FE: Um-hm.

AH: And strategies for being able to frame the case and stuff? And did he mention the possibility of setting this up for an appeal?

FE: Yeah, he mentioned that this being, more less, constitutional type case, that we may have to go to appeal case process to get any favorable ruling.

AH: Now, I know he was trying in the trial that you had to very clearly get across the point that you were seeking this as a constitutional test case.

FE: Right.

AH: Now, he didn't invent that strategy because you guys were talking about that much earlier, but what he was doing was making it high profile to make that firm case.

FE: And also, backing up a little bit, during the time that Fair Play was active and boys were being picked up, I was sending news presses to different newspapers about why these boys were being picked up, why they were resisting. [I] sent news releases to various papers, so we were doing this very openly.

AH: Right.

FE: Telling the reason they were resisting and all that.

AH: Okay, now, there are seven people, and then there's Omura. What I'd like you to do, obviously not to give a bio of yourself because we know that and things, but of each of these seven people—aside from yourself—if you could give a bio of them, and then your relationship to them at the time this was going on so I can understand where you were with each of those people. So, you mentioned Horino. Give me a snapshot of Horino and then your relationship with Horino.

FE: Well, Horino was one of these fellows that were impulsive, a little different.

AH: Older than you or younger? Same age?

FE: About a year older than me. He was into judo, and I used to know him slightly from judo because he was in a different dojo.

AH: You mean before the war?

FE: Before the war.

AH: Okay, uh-huh.

FE: He was quite a different type of personality. Very real one way or the other way.

AH: Okay.

FE: That type of personality.

AH: You're for us or against us, right?

FE: Yeah, very much so. Sometimes he just go-off on a tangent; didn't know what he was talking about.

AH: So, he was volatile.

FE: He was very volatile. But, he was with me when I said we take a stand on this. He was sent to Tule Lake. You'll see the letter that he wrote to [Paul] Robertson [Assistant Director of Lake Tule] saying that "They are forcing me, et cetera."

AH: Right.

FE: And he was definitely very—had a very strong stand. Then there's Paul Nakadate who was—I guess he was the only one who really graduated college, college man. He was a very good speaker and more temperate.

AH: He's about your age, too, isn't he?

FE: Yeah, he was about my—maybe a year older. But, he was married; had one child. He was also like me, exempted from the draft. But, very analytical type fellow, and he wasn't too hot about taking this strong stand resisting.

AH: You had sort of strong words with him at one point. I remember the thing saying if you would have said that to your brother telling you that—if you would have said that to him, he would have either punched you out or—

FE: Start running. (chuckles)

AH: Start running, right. But, that was a strong difference of opinion. I mean, he just didn't want to go the extra step of declaring, for instance, the business about not reporting for your physical, right?

FE: Right.

AH: Okay. But he—I guess you eventually give him high marks because he really emphasized the business about the constitutional test part of it.

FE: Very good speaker, too.

AH: Okay.

FE: And of course, Mr. Okamoto, he was the one that started the spark plug—the thing because of the knowledge of the constitution, and being—I think he was a member of the ACLU at the time because he had the open forum.

AH: Did he have a close relationship with Nakadate?

FE: He?

AH: Yeah.

FE: Not particularly, because he was a very reclusive type of fellow.

AH: Okay.

FE: He looked like an old grizzled-up minor. You know? That goatee, and he just looked like an old forty-niner type of fellow. He always looked much older than he was. I always thought he was in his fifties, but someone said he was in his late thirties or forties. Anyway, he was a very intellectual because his speaking was very rough. He would use some very solid words in his speech. Whereas, Paul was more—

[00:30:06]

AH: And by salty, you've used that term before. Do you mean swear words? Four letter words?

FE: Oh, yeah.

AH: Oh, okay. So, the whole nine yards, as far as his language. Okay. And he would do that publicly, too?

FE: Oh, yeah.

AH: In the public addresses and things?

FE: Um-hm.

AH: Okay.

FE: And he would say things like, "Roosevelt just thinks we're like oriental monkeys." (chuckles) He really sort of had some sort of prejudice against Jews.

AH: Yeah, it comes across in his correspondence. I see that.

FE: He always said that Roosevelt was a Jew and this and that. Because Menin was Jew, we might be able to be better for us.

AH: Wirin was Jewish, too.

FE: Wirin was.

AH: It was about getting a smart Jewish lawyer. That sort of stereotype, then, was true in a lot of cases.

FE: Right.

AH: And even [Sidney] Jacobs, who Omura got—Jacobs was Jewish, too.

FE: And you know, in a way I think they are more receptive to this type of treatment.

AH: Right, right.

FE: Because they, themselves, were discriminated against. That's Okamoto. And there's Min Tamesa.

AH: What was he like?

FE: He was a very down-to-earth sort of fellow. Very, uh—didn't say too much, but very steady. And he went along with our plan to resist.

AH: Did you know him before the war?

FE: Yeah.

AH: At Heart Mountain? Did you just meet him through this?

FE: Through this, yeah.

AH: And was he somebody you got to be close to?

FE: Not too close, he was—he lived in the same block with my brother, and he was very close to my brother, they got along good.

AH: And then Okamoto, was there ever a point that you were close to him? Or was there too much of an age difference?

FE: Well, he was very into himself. He didn't get close to anybody.

AH: So, his closest thing was when he was talking to a crowd, right?

FE: Uh-huh.

AH: So, it's like Nixon or somebody who could relate to people in mass but not one to one sort of thing.

FE: Um-hm.

AH: Okay, because I know later on, he—in jail and stuff—he went by himself, too.

FE: Yeah. He did because I think he felt that he shouldn't have been—because of his age and everything—shouldn't have even been included in this jail thing.

AH: Uh-huh.

FE: I think he felt resentful about that, and maybe he was resentful because of us that took the strong stand.

AH: And then you never met Omura till when? The trial? Or just before the trial?

FE: Just before the trial.

AH: Okay, okay.

FE: And one other person was Mr. Kubota.

AH: Yeah, Kubota the Issei.

FE: Issei. Well, he was translating everything for us for the benefit of the fathers—fathers, mothers—parents of the resisters. He would translate the speeches, translate the written things. And he was very strong, and had a feeling that this was very unjust. He was pretty educated for Issei.

AH: And he was the youngest Issei, wasn't he?

FE: He was, yeah.

AH: So, he's closer to the Nisei age. It would be like an older Nisei.

FE: He was forty-four.

AH: Okay, so he's about the same age of Okamoto, and then it drops down to you. The rest of them are all about the same age, aren't they?

FE: Right.

AH: Because there's nobody younger than you?

FE: No.

AH: And then two of them had been involved in the case—

FE: Tamesa and Ben Wakaye.

AH: Oh, yeah, we haven't talked about Ben Wakaye.

FE: Ben Wakaye was our treasurer, and he was one of these fellows who stood-out; always looked surprised. Kind of a gentle person. And you would think that he would be the last person to resist, but something in him—I guess because he didn't make it all the way through. Except, when he was interviewed by the FBI, he got shaken-up a little bit.

AH: And what did he do when he got shaken up? Was this before the trial?

FE: This was before the trial.

AH: In jail or after that?

FE: This was in camp.

AH: Okay.

FE: This was just before we were picked up. The FBI took us separately, and they interviewed us.

AH: Oh, before the May pick up?

FE: Yeah.

AH: You got picked-up about May eleventh or something like that.

FE: Something like that.

AH: Yeah, okay, just before that. And so, the FBI came and talked to—

FE: Everybody separately. This may be jumping ahead a little bit, but during our trial, a guy name Jack Mishimoto that testified against me and just blurted-out a bunch of lies. And the reason they did that was when the FBI interviewed me, I didn't give much information; I didn't tell them anything. Whereas, these other guys, they talked and talked and talked. They [FBI] got a lot of information from them, which it didn't matter because at the trail, what we did, we did openly. We didn't hide anything, came out and said what we did.

AH: Right.

FE: Anyway, Ben Wakaye, he was sort of a quite fellow. Just sort of went along; didn't say too much. I guess he was pretty exhausted because he passed away right after we got back, when he was released from jail.

AH: He was really young, too. What was his age?

FE: I think he was close to our age.

AH: Wow, he died like in his thirties or something?

FE: Yeah.

AH: (whistles lightly) Now—

FE: Paul Nakadate died when he was forty-nine.

AH: I know, I know, he died pretty young, too. Now, who is left aside from yourself?

FE: Just Horino and I.

AH: Horino lives in Los Angeles area?

FE: He lives in Monterey Park.

AH: But, he never involves himself with any of this stuff?

FE: I visited him twice but he said, "No." The wife is very sick, and he said that he, himself, is not too well. But he's still flighty, very flighty.

AH: Oh, he is?

FE: Oh, yeah. Frank Abe [*Conscience and the Constitution*] interviewed him.

AH: Before the film or after it?

FE: Before the film, I think.

AH: And how was he received at the interview? Did Frank get good information from him?

FE: Yeah, he spoke.

AH: So, he didn't have second thoughts about his involvement?

FE: No, no, I don't think so.

AH: He had reticent about going public with this stuff and being involved in public events.

FE: So, he said he was having a lot of trouble with the internal revenue.

AH: Oh, he was? I see. So, he was trying to keep a low profile?

FE: Yeah. (chuckles)

AH: Okay, okay. So, you don't see him then, at all?

FE: No, no.

AH: Now, of each of these people, what did you feel that you shared with each of them? Like for example, let's start with Horino. What is the bond between the two of you? You have different personalities or different ages, different pre-war backgrounds, even different camp experiences. What is the thing about him? Because you all end-up in this trial together, and you're all tied to this—not a conspiracy but you're tied to a steering committee, really, of a Fair Play Committee? So, what is the quality that you see you share most with him?

FE: I think because he seemed very loyal to the group. And he, in spite of being flighty, he was very steadfast in this movement.

AH: That was shown when the two walked-out of camp together, right?

FE: Yeah, well, he walked out separately.

AH: Oh, he's the one that walked—who did you walked out with?

FE: Tamesa.

AH: Tamesa, okay, okay, okay. Okay, Horino left, right. He went on his own. He went to Powell didn't he?

FE: He went out and came back, and nobody stopped him. (chuckles)

AH: Right, okay.

FE: And then after talking about it, when he got to administration, he knows what went on. He got picked up and sent to Tule.

AH: But, you wanted to be gone?

FE: Yeah.

AH: I mean, you were going out on purpose to test whether you, in fact, had freedom or not or claiming.

FE: Right.

AH: But, that was with Tamesa.

FE: Yeah.

AH: What about him, what's your tie with him. In terms of either personality tie or principal ties or what?

FE: Well, he was very steady, easy going. And very down to earth.

AH: So, he was easy to be with?

FE: Right.

AH: And what about Okamoto, despite all the differences and the salty language—once in a while you can use some salty language, too, right? (chuckles) What's your main tie with him?

FE: I think I really respected his knowledge. Respected that at least he would bring-out all this information about how the government treated us and how it was wrong, and he was speaking about it.

AH: His sense of justice and his capability of articulating that, you could relate to even though you necessarily relate to the whole package?

FE: His personality, right.

AH: Right, okay. What about Nakadate? What's the shared conviction there?

[00:40:01]

FE: He was a very polished sort of fellow and very even keeled. He would be able to say, "Well—" be able to disagree with you but would tell you why this. Well, he was

more educated than the rest of us anyway. And I think he was really good asset to the group.

AH: Okay, and did you have reservations about him?

FE: No, until the one time when he said—kind of backing out; we were very strong going forward.

AH: I was getting the feeling from reading some of the things that his wife wasn't as supportive of his situation.

FE: No, she wasn't. She wasn't. But, I didn't know about this until later. But, I found more about it when we got back. I tried to get a hold of her, and she didn't even want to talk to me.

AH: Was he the only one of the seven—I'm not counting Omura—but was he the only one of the seven who did not have the support of their spouse?

FE: Well, the others weren't married. Tamesa and Horino weren't married; Wakaye wasn't married.

AH: Okay, three of them weren't even married. They have girlfriends that they were serious with?

FE: Not that I know of.

AH: Okay, so then the way you characterize your wife's situation was that she sort of was—

FE: She just went along.

AH: She went along, but it wasn't like strong support or anything like that. I mean, it's just like if you wanted—you felt strongly about it and so—

FE: She just came along with it.

AH: There weren't any objections or harping or anything?

FE: Right.

AH: Okay.

FE: Okamoto's wife was very, uh—(doorbell rings)

AH: Hi.

FE: Okamoto's wife was very supportive. And in fact, they had a fairly large size barrack, so we used their place for mimeographing all the stuff. And she would help-out with the typing, and so she was supportive.

AH: And she still is.

FE: Still is.

AH: It's amazing. And the daughter—everything is really carried-on.

FE: Right.

AH: Okay, all right then, Omura. What's your relationship—the kinship with Jimmy?

FE: Well, through the newspaper clippings that are—press releases I used to send him.

AH: Right.

FE: And he used to send me back. I think I got some original letters from him that you probably don't have because these are originals.

AH: Right. But, the basis that you read his stuff and you corresponded with him, but you shared through communication kind of common bonds, you think? Because he reveals himself a lot in his writings since he wrote pretty fiery—(chuckles)

FE: Um-hm.

AH: —editorials and everything. Insofar, he revealed his personality. There was one point where I think he said—and this later came into play in some of the thinking about things—"I see we see eye-to-eye," or something. Did you feel that you saw eye-to-eye?

FE: Oh, yeah. We were very appreciative that he supported us.

AH: Okay.

FE: And we sent the same press releases to the *Pacific Citizens* but they never printed it.

AH: Okay. (chuckles)

FE: And sent it to *Denver Post*, *Billings Gazette*, *APUP*, and I guess that's about the extent of it.

AH: Now, when the FBI came to Heart Mountain during the period before you actually got indicted and things, you were sensed that the next foot was going to fall pretty soon.

FE: Yeah.

AH: Right.

FE: What kinds of preparations did you make as an individual and collectively? Because you had—of the people that are going to go to trial—you had four others in camp with you. Two of them are in Tule Lake that you can communicate with, although I'm sure you felt a little bit constrained in communications. Giving the fact that they're in a place like Tule Lake and you all have a high profile. How did the four of you that were left in camp coalesce, and talk about the situation, and start to raise money, and do whatever you had to do?

FE: Well, two of them were already in Leavenworth.

AH: So actually, you only had three.

FE: So, just myself and Paul Nakadate. That's it.

AH: Okay, Omura is in Denver, and you have those three in Heart Mountain. You got two of them that are in the slammer, right?

FE: Um-hm.

AH: Well, they're not yet because they're in jail—the penitentiary yet because you got picked-up in May, and their trial is not until June. There are sort of these different jails around in Wyoming, right?

FE: Oh, they were in Laramie.

AH: Laramie, right.

FE: Right.

AH: But anyway, you had just three. The three of you talk about things?

FE: Okamoto and I and Paul.

AH: Okay, and could Okamoto converse well in English?

FE: Fairly well.

AH: Did Nakadate or you speak well in Japanese?

FE: I could.

AH: Okay.

FE: I think Nakadate did a little, not too well.

AH: When the three of you got together, do you remember if you spoke in English or Japanese?

FE: Probably both. (chuckles)

AH: Okay, and how close were you guys in terms of where you lived?

FE: Well, he lived in Block 1—

AH: Okamoto?

FE: No, Nakadate—

AH: Nakadate.

FE: I lived in Block 9, and Okamoto lived in Block 21 or 22.

AH: And when you talked somewhere, how could you get privacy to be able to talk? Where would you go?

FE: We usually went to Okamoto's house because he had a bigger—

AH: Bigger place, okay. And then his wife was really supportive and stuff. And his wife spoke English, right?

FE: Oh, yeah.

AH: Yeah, because she was a Nisei.

FE: Uh-huh.

AH: Okay, so that was the place. What did you do in the way of fundraising or connecting with Wirin and doing things like that before the next foot did fall?

FE: Let's see, I don't think until—it's kind of hazy now. I don't remember exactly what we did. (pauses) I don't remember if we corresponded—I corresponded with—

AH: I'll be able to tell with the dates on the letters. So, how did you—what time of the day were you presented with people to arrest you and take you out of camp?

FE: That was one morning. They came and started looking through my stuff, picking-up anything that looked like—

[recording paused]

AH: Okay, so they came to Heart Mountain to your barrack in Block 9?

FE: Right. I forget what time it was. It wasn't too early, I think, because I was already dressed. But, I remember they were going around picking up things, so I told them, "You can't pick up my stuff without a search warrant." And they said, No, no, it's for an arrest so we can pick it up. They picked up everything, like documents.

AH: They took all those?

FE: Yeah.

AH: Okay, all right.

FE: Yeah.

AH: And then did you then go in common with the other two in camp, with Nakadate and Okamoto?

FE: Yeah, they picked us all up the same day and probably around the same time, and we were put in a passenger car with McMillan, the FBI.

AH: Handcuffed?

FE: No.

AH: No, okay.

FE: But, there was another Caucasian young man with us that was in the car already. He was handcuffed, and he was shackled because he was an escape artist. (chuckles)

AH: Oh, really? So he was shackled?

FE: Yeah.

AH: And then where did they take you?

FE: Well, they took us—I think the first stop was Casper. We spent the night there.

AH: At a jail?

FE: Um-hm.

AH: Were any of the sixty-three in Casper at that time?

FE: No, they were already in trial, I think.

AH: But, they went to trial in June.

FE: June?

AH: But, they were in a lot of different jails, but some of them were in Casper. Do you remember seeing any of them?

FE: No.

AH: So, just the three of you?

FE: Yeah.

AH: And you stayed there about two weeks?

FE: No, we stopped overnight and just kept on going to Cheyenne.

AH: Oh, so you stayed in Cheyenne for the two weeks?

FE: Uh-huh.

AH: Okay, what happen during those two weeks in Cheyenne? Do you have any memory of something standing-out in terms of you having visitors or having a lawyer come there?

FE: No lawyers, no visitors. One of these real dark danky cells—

AH: Um-hm.

FE: And I remember passing in _____ (inaudible) plates with cold oatmeal or something in the morning, with those things.

[00:50:00]

AH: And how did you get bailed out of there? Who arranged for that?

FE: Well, we went from there to Laramie Prison before we were bailed out. And Laramie was very clean. I said, "Oh, man this is like a hotel compare to Cheyenne."

AH: So, you went to three different places? To Casper, to Cheyenne, to Laramie?

FE: Yeah.

AH: And then you got bailed out there?

FE: Um-hm.

AH: How long were you in Laramie?

FE: I guess we were there maybe a couple of weeks.

AH: Okay. So, the whole amount of time was about two or three weeks, right?

FE: Yeah.

AH: So, when you were there, you got bailed out. And who took care of that, your brother?

FE: Yeah, I think my brother arranged it with Wirin. Wirin was the one who arranged the bail.

AH: He didn't come out to see you at that time did he?

FE: No.

AH: Okay so, at the time you got bailed out, it was just the three of you. Did you see anybody? Your brother? Anybody?

FE: Only I and Kubota got bailed out.

AH: Oh, really?

FE: Paul, and Okamoto, and Omura were still there when we left.

AH: So, they brought Okamoto out of Tule Lake and put him—

FE: Yeah, put him, Horino, and Okamoto.

AH: And what happen to Horino, he stayed in the—

FE: He was there, yeah, Laramie.

AH: Oh, I see, at that time Omura was there.

FE: Yeah.

AH: Did you meet him there then?

FE: Yeah, that's right.

AH: Okay so, you met him one time before that. You were in there but just probably for a few days together, right?

FE: Uh-huh.

AH: Okay, then they didn't get bailed out then? And Omura chose not to, I know. And then the other two weren't covered by the Fair Play Committee, or they chose not to?

FE: I guess either they chose not to, or they weren't bailed out because they wanted me to keep it going, I guess.

AH: In camp—

FE: In camp, yeah.

AH: Okay, all right. So, was it because there was a limited amount of money?

FE: Yeah, probably that, too.

AH: Okay so, it was strategic who would do the work once you got back. Once you got back to Heart Mountain, you had your work cut out for you?

FE: Oh, yeah.

AH: Okay, you had no other job in that camp at that time—

FE: No.

AH: Right? Okay, you devoted yourself to getting ready for the trial, right?

FE: Yeah.

AH: And at that point it's three weeks—it's probably almost June by the time you get out. And so, you have June, July, August, September, and it's toward September twenty-third or so until you started your trial. So, have a fairly amount of time. Not the best of circumstances or anything, but how did you go to work getting ready for this?

FE: Yeah, I really can't remember what we did.

AH: Did you ever see Wirin in the meantime? Did he ever come to Heart Mountain, or did you ever get a chance to talk to him?

FE: I just talked to him by telephone—

AH: Oh, you did talk to him by phone?

FE: Yeah but I don't think I ever met him?

AH: Did you meet a local representative? Who was the guy who worked with Wirin?

FE: It's probably—it wasn't Clyde Watts, Clyde Watts worked with—

AH: The other men. So, that's whom you were trying to think of before?

FE: Yeah. But, it was another fellow, but I can't quite remember.

AH: But, you didn't work much with him?

FE: No.

AH: He didn't come over to the camp?

FE: I can't recall.

AH: Was there a lot of correspondence during this time?

FE: I think there was, probably found through these letters.

AH: And is it mostly with Wirin?

FE: Yeah, well, Wirin, Okamoto—

AH: So, you carried correspondence when Okamoto was in jail—

FE: Um-hm.

AH: Right, okay.

FE: No, the letters I got from Okamoto [suggesting] he was still in Tule Lake.

AH: Right.

FE: And from jail, I didn't get any correspondence.

AH: And now Omura made the decision to separate his situation from yours.

FE: You know, it's a funny thing, I don't remember there was a talk. But, Omura told me when he stayed here a few times—after he came back. In fact, he was with me for about a month; we put him up for about a month. We put him up for about a month.

AH: It's hard to get him out once he was here.

FE: Anyway, he mentioned this, which I don't remember. He said Paul Nakadate was the one that correspondent with him when Paul got him to come to our meeting. We were having sort of a strategy meeting with Wirin, a little bit before the trial.

AH: Right.

FE: Paul and Jim came in, and Jim said, "I told Tom Tarahara"—one of the resisters that was there—"Okay, Tom." And Tom got up, walked him out of the meeting.

AH: Yeah, I read that, but why would they have a resister be there? Because he should have been in the penitentiary?

FE: I can't understand why he would be there. Now this is—

AH: Because this is in October just before your trial. Because I saw that Tom took him out somewhere. But, the reason it made some sense to me when I read it this time—I wasn't sure about it before when I was talking to Jimmy about it—but it seems like it was on Wirin's behalf. That Wirin said that, "Since we are holding separate trials, there is no reason for him to be involved in this planning session." And so, you know can somebody make a friendly suggestion that he could take a walk for a little while and then come back for dinner and things.

EF: Yeah, I think that's what happened. Wirin said—I was the one that said, "Okay, Tom"— we had made that arrangement.

AH: Carries with him this other accusation—he carries this accusation of Horino sort of pointing at him and saying you lie to him. Do you remember Omura telling you that? That he was acting as though he were sort of a stool pigeon—"*You spy*," is what he said. "You spy," is what Horino said to him. And that outraged him because he thought, My goodness, I have jeopardized so much. My wife is basically estranged from me at this particular time. And he said that he just felt that the hell with the resisters and things. And after the trial was there, never saw any of you. The only one he did was Nakadate. And Nakadate and his wife spend a couple of days coming over to see the—they even spent a Thanksgiving with the Omuras. And before _____ (inaudible) and his wife got divorced and stuff like that. But, Jimmy didn't see anybody. Until coming back in the 1980s, when all of a sudden, you guys—Jim got you all together again. And at that point, you guys had a strong relationship.

FE: Well, you know, what surprised me was that—when Kubota and Horino seemed very antagonistic towards Jimmy—

AH: Okamoto did, too.

FE: In fact, they went to a dinner or something.

AH: Uh-huh.

FE: And I think Wirin must have given them a dinner or something. And at that time, I wasn't there. I remember I might have been—I went to Denver with my sisters and her friends.

AH: Was this after the trial?

FE: Before the trial, yeah. We were out—

AH: Just before—

FE: When we were out—

AH: You were free, when you were on bail.

FE: So, I wasn't at that dinner. But, Okamoto used to say, "Oh, that Omura's wife, she's a real country bumpkin. We were all ordering—it's a nice fancy restaurant; we were ordering nice steaks and things. She ordered a hamburger steak."

AH: Omura took great offense to that.

FE: Said, "How do you get a hamburger steak at a nice restaurant like that?" Well, maybe that's the Japanese in Okamoto that if you're up there, you have to act like you're up there. If you're acting real cheap in a nice hotel or something, well, the sort of look down on you.

AH: Were all the other Nisei that were—

FE: Yeah.

AH: None of them were Kibei?

FE: No.

AH: Okay, so—

FE: Well, Okamoto was not even a Kibei—

AH: He's an Issei. None of the other member of the committee were Kibei, they were all just straight Nisei, right?

FE: And Horino was very close to Okamoto.

AH: Okay.

FE: They got along good. And that's why he was also influenced by Okamoto. I think that's why they sort of looked down on, uh—

AH: Jimmy for doing that.

FE: So, in turn, they also looked down on Jimmy even though he had been very supportive of us. So, that's why Horino might have said things about his wife like that, which I just heard about it. I wasn't there.

AH: It's kind of funny—because I think his wife had great pretentious and stuff, and wanted to dress-up, and do all kinds of things—when I read that. It was kind of ironic that she should be ridiculed for ordering a hamburger steak. In any event, so you don't recall a lot about what went on between the time that you were out on bail and the time of the trial, right?

[01:00:24]

FE: No.

AH: Okay, when did you first get a chance to get together with your lawyer to start planning your case? You must have come to Cheyenne in advance of the trail because you had this meeting at the hotel, and everything that we were talking about. You must have sat down with Wirin and maybe with his Wyoming assistant, and talked about how to deal with this legal situation because most of you probably never been in court before.

FE: That's right. I don't think we ever met Wirin in camp. I think the first time was when we met him in Cheyenne.

AH: Yeah. But I mean, a couple of days before he was there, right? And you had a chance to talk to him a bit; to spend a few strategy sessions talking about your trial?

FE: I think we must have done most of it by telephone.

AH: Even when you were in Cheyenne together?

FE: Well, in Cheyenne, we didn't have much time to—

AH: Why don't you talk a little bit about your impressions of Wirin. Not just at the trial because we can talk about that in a second. You meet this person and your fate is in his hands, and so he is just not this person you casually meet in the street. I'm sure you're monitoring this guy you heard about. His reputation and things, because that proceeds him—precedes him but still, here's the guy. What's he like? There is no biography of him, and I don't have much of a picture of him. Either do other people. Eric Muller was asking, "Well, where are Wirin's papers and stuff?" I said, "I have no idea." I wish I did.

FE: Well, he struck me as being very smooth, very polishes.

AH: Did he dress that way, or just speak that way?

FE: He was well dressed, very well dressed. Big man, tall man—

AH: Oh, big man?

FE: Yeah, at least six feet.

AH: And how old was he about then, at the time?

FE: He must be in his late thirties or forties.

AH: So, he didn't seem as an old-ish person?

FE: No.

AH: Okay.

FE: Very personable, very easy going.

AH: Okay.

FE: And I remember calling him from—either camp or from Laramie. I don't remember, but I remember calling him one time. And he was, to me, drunk. It looked like he was talking to his girl friend or something. I was talking to him, and he seemed very jovial—

AH: He wasn't married at the time?

FE: I don't think so.

AH: Okay.

FE: I don't think so.

AH: And you trusted him?

FE: Yeah.

AH: Because Omura had a lawyer that he really didn't feel comfortable with or trust, put him on the defensive all the time.

FE: Oh.

AH: Jacobs is sort of like you could have made yourself a little more clear in your editorials, you were not advocating draft resistance. Jimmy is feeling like, why? You're supposed to be my lawyer! What are you doing putting me on trial here? And things like that. And he just didn't feel like he took any pains to deal with the fact that they threw him in solitary confinement, and he was denied paper, pencil, books, and things like these. He didn't seem to want to bother with him. He was

lucky that he had an assistant that was from Cheyenne and who was very attentive to the situation and monitored things that were going on. But, you had a good situation with Wirin?

FE: Yeah.

AH: So, you felt this guy is on my side and he's confident—

FE: Right.

AH: I trust him, right?

FE: And the trial itself was—he was good. Very smooth, very articulate. And never lost his temper. Always kind of smiling.

AH: Did you guys strategies as to who would go first, second, or third, the order of the appearance? Because I know the order of it from looking at the summary of the trial, but what I don't know is was there any pre-trial strategy as to who might be better to go first.

FE: No, I think it was all probably set-up by Wirin.

AH: Okay.

FE: But, he was very polished, smooth. [He] made the district attorney look like a real hick, you now? And he just sat talking, and the judge would tell him, "Okay, ah"—what do they call them? Mr. Wirin or counselor?

AH: Yeah, counselor.

FE: "You've exceeded your time, you know," this and that. "Oh, just a couple more minutes, couple more minutes." Then he'd talk for another fifteen minutes. (chuckles)

AH: Now, he seems to challenge a lot of things so that the challenge could later-on be used as a basis for appeal.

FE: Right.

AH: And he didn't let a thing get by him on that ground. So if he was overruled, he issued a challenge to that so that it would—because if you don't do that, then you don't have grounds later on in an appeal process. So, he was really aware of that.

FE: Oh, yeah.

AH: Okay, and you knew he was going to be aware of that, right?

FE: Um-hm.

AH: Okay, what did he tell you about the process? I mean, you're going to—the first level of court that you can go to is the court that you went to.

FE: District court.

AH: District court. Now, in Los Angeles there are a lot of district courts. In a place like Wyoming, there's one—

FE: One.

AH: So, you went there and that was your first thing. And you actually chose, at that particular time, to have the judge sort of make the decision, right?

FE: No—

AH: No. You chose the jury because of their experience?

FE: Right.

AH: Okay, you chose the jury. And the jury were all white men?

FE: Yeah.

AH: All white men?

FE: White.

AH: And I know one of the challenges right away that Wirin leveled with them was the idea that they didn't include a Japanese American. Said, "There's plenty of Japanese America in the area now," the state and stuff like this. But, the point was that that was overruled by the judge on the grounds that they were involuntary, which was great. They were sort of involuntary citizens, or provisional citizens, or something like this. But in any event, the trail went forth, and they were twelve white people. Can you tell if they were youngish, old-ish? What did it seem to you like?

FE: They seemed like middle age.

AH: Did you make eye contact with any of them or observe their behavior? This is a group I can trust, I mean—

FE: I don't remember that. (laughs)

AH: Well, I ask—I'm thinking about it is because in the first case, the deal with the judge.

FE: Yeah.

AH: And [Judge T. Blake] Kennedy was the judge in the other case, and he's the one that made these comments about these Jap boys and stuff.

FE: Yeah.

AH: We're in court, and then they left. They felt backwards and all that sort of stuff. So, their eyes were upon the person that was going to make the decision, which was the judge. In your case, it's the jury. I've been to a court case recently in Santa Ana dealing with this African American. We came in as the jurors and stuff, I noticed he monitored who was out there. And first of all, they weren't any other African Americans, and there was one Asian; no Hispanic. And so, he probably thought this is weird in a city like Santa Ana, [with] 80 percent ratio ethnic minorities and stuff. I was just wondering, how did you get the sense of—did you get the feeling of a chance under those circumstances?

FE: I think we were, at that point, naïve. We didn't think about those things. We thought we would get a better trial with the jury because we were worried about the newsmen who were supportive of the 6-3.

AH: So, they represented the public?

FE: Yeah. We thought we—

AH: Was that your call, or was that Wirin's call as far as going with the jury?

FE: It was our call. We said we wanted to go with the jury trial because of the fact the newsmen were so supportive of the resisters in the first riot, and the judge was so racist.

AH: Okay, if you didn't observe the jury, you certainly observe your fellow defendants. You had Omura's case as separate, but you're seeing him testify and everything. And then all the seven of you had to get up there, and you were all there. Were there points throughout the trial were you felt this is not good for our case? One of the people that testified misspoke or represented a bad image, et cetera that could weigh heavily on the rest of the group?

[01:10:22]

FE: I think the only time was when Ben Wakaye seemed a little flustered.

AH: And what was he flustered about?

FE: I can't recall correctly but something about when the prosecutor questioned about something. But, he gets very flustered anyway, very sensitive.

AH: So, he's the guy that looks like the deer and the headlights?

FE: Yeah, yeah.

AH: And so, that worried you a little bit that he seemed to vacillate a little bit?

FE: Yeah.

AH: And then did Horino or anybody have any tempestuous outburst at the trial?

FE: No.

AH: Okay. So, all of that went fairly well?

FE: Um-hm.

AH: So, by the time that the jury was ready to reach its verdict, were you guys thinking that you might have a shot at this?

FE: Yeah, we felt like we had pretty good grounds; our case was pretty strong. When we heard that the district attorney had gone—at that time he was a judge that one weekend. Sort of said, "Geez, that doesn't look good."

AH: And did Omura—he got exonerated on the first day, and that came before they reach the decision on you, right?

FE: I don't remember the sequence.

AH: But, you got your sentence the day after that, on November second. On November first it was decided that you were guilty and he was exonerated. He left right way, you stood around, obviously, to be sentenced. And that's when you got the four years for four of you, right? And then one other person got two years—or three years, was it?

FE: No, two years.

AH: I thought that two got—

FE: No, three got two years. Kubota—

AH: But, the two were ran consecutively with the other sentence?

FE: Yeah.

AH: Okay.

FE: Concurrent.

AH: Oh, yeah, I mean concurrent. Okay so, what does that mean? If they already had three year sentences and they only used about half a year, which meant that when you got released they stayed longer?

FE: Yeah, they served about three years.

AH: Right, okay, okay. So, after the appeal process?

FE: Um-hm.

AH: You got your sentence of the four years, and then the whole way you been deciding you want to appeal this sort of thing. Now, did you have the chance to get together with Wirin, before you went-off to the penitentiary, where you had a chance to talk about things?

FE: I think we did talk about the appeal.

AH: When you're at the penitentiary, it's a long time. Because sometimes these appellate courts take a long time to even consider this stuff. It was over a year, right?

FE: It was over a year.

AH: Okay so, in that year, did you have correspondence with Wirin?

FE: I'm looking at my records. I don't think there was much correspondence until the actual decision was made by the appellate court—

AH: And in an appeals court like that, you don't go to the court yourself. It was all just the lawyers and the judge, etcetera. So, they're in Denver, your fate is in their hands. But, probably he didn't have to get your input very much at that point, because he knew what he had to work with, and what he was going to do. In the meantime, this *Keegan* case gets decided, right?

FE: Yeah.

AH: Dealing with the German *Bund* and the draft resistance there.

FE: Right.

AH: And so, he's pretty confident he has a good case.

FE: Yeah.

AH: Yeah, in fact, he was right that he ended-up winning. And then they had an opportunity to try to appeal this further, but the government decided against that because the war was pretty much over as far as the camps were concerned. People had been released to go back, so you weren't going to be in there protestlising people against the draft, so there was no point to it.

FE: Not only that but I think the *Keegan* case probably decided it.

AH: Yeah, it did.

FE: That would have set a precedent that, uh—

AH: They couldn't have dealt with.

FE: Yeah, because our case was so much stronger than the *Keegan* case. The *Keegan* case resisted the fact that they weren't given equal employment in the war industry. In that case, we were denied everything, so we had a much stronger case.

AH: If they pass the *Keegan* one, you guys look comparatively so much better for it.

FE: Yeah.

AH: Okay, and you got the news how?

FE: Yeah, we got it through the telegram.

AH: Through a telegram?

FE: Um-hm.

AH: And you must have been waiting like mad for it.

FE: Oh, yeah.

AH: Even with deliberation was starting and stuff that—

FE: Yeah, I think so.

AH: And then Wirin sent you the telegram.

FE: Um-hm.

AH: Wow.

FE: And he said that Saget was thinking of retrial, but the Justice Department urged him not to. They had already reserved the thing, see? Saget wanted a retrial, but the Justice Department said, "No, drop it."

AH: That would have meant that you would have had to go to Wyoming or someplace?

FE: I guess so.

AH: Okay.

FE: But, there was no chance that they wanted a second trial.

AH: He was very punitive, wasn't he?

FE: He was, yeah.

AH: Wow.

FE: In fact, he wanted to keep us there until May instead of letting us out in February. And it's in the letter there that Wirin wrote to him, and he wrote to the Justice Department, saying that we had already agreed that they would be released in February eleventh. He said, "Would you send a letter to Saget advising him that it's already settled." So, Saget send letter to dismiss the case immediately.

AH: And then, that meant for you that you were out, but it probably took a little while to clear-out of the penitentiary and things.

FE: Probably early part of February we were released.

AH: And then you had to say goodbye to a couple of people who stood there, right?

FE: Yeah.

AH: And I read that some of your experiences when you were there. I know you played some football. You talked about the way touch football was actually like tackle when you were there, and you had a lot of African Americans in jail.

FE: I remember one African American guy running, and I just went over there and blocked him out with a Judo-type movement, and he went flying. (laughs) I remember that. He was a big guy.

AH: Now, you had a number of the draft resisters actually at Leavenworth, too. The older ones had not gone to McNeil [Island Federal Penitentiary] but had gone to Leavenworth.

FE: Yeah.

AH: How many were there about?

FE: It was thirty.

AH: Oh, all together it was thirty. So, there were quite a few of the draft resisters over thirty years old?

FE: Yeah.

AH: I mean, what did they consider the break-off between the younger—

FE: I guess the oldest might have been twenty to twenty-nine.

AH: So, when the break-off is between twenty to twenty-five, or something like that, we talked about we'll send the younger ones to McNeil? I know Yosh Kuromiya, and George Nozawa went to McNeil, right?

FE: Um-hm.

AH: When they said the older ones went, what do they mean by the older ones? Twenty-five and over?

FE: I think the married ones and maybe twenty-one or two.

AH: Oh, oh, really? Oh, the younger ones, they really meant the younger ones. Eighteen, nineteen?

FE: Yeah.

AH: Oh, I see. What would you say the average age of the membership for the Fair Play Committee?

FE: I would say late-teens—

AH: Oh, late-teens. They were quite young then?

FE: Um-hm.

AH: Okay so, they weren't a lot of people in the thirties then?

FE: No, no.

AH: Even though you could be drafted up until you were thirty-five?

FE: Oh, thirty, I think.

AH: Oh, thirty?

FE: Yeah.

AH: Okay, wow. Now, over the years, as this particular case has been dealt with—and Eric Muller dealt with it quite a bit detail in his book, more so most than anybody—with is the actual case—which is good since he teaches constitutional law.

FE: Uh-huh.

AH: Have you felt that the representation of your particular trial has been something that has been to your advantage or disadvantage? Or, in the sense of redemption that you have for what you have invested in the way of not just the time you spent in jail, but the time and energy you spent organizing and resistance, and taking-on the U.S. government. Do you feel a way in which the 1944 trial has been dealt with has been to your advantage or disadvantage?

[01:20:56]

FE: You know? I never thought about that. In fact, I never thought during that period that this would ever become anything that the people would even be interested in.

AH: Except, you know now for twenty years, people have been interested in it?

FE: Yeah.

AH: Right, and so the story is being told again and that would be my question, because now what the people are doing is to clarify the pass. And not only get the fact straight about the history, but also to develop a societal memory of what this event was about and what it means. It's just not about the memory, it's the meaning of the memory. And so, I don't think too many people, at this particular point, have in their sense of memory about this that there was an appeal process that you actually won. Have you been struck by that?

FE: Yeah, I've been struck by the fact that ours was the only two what? Three or four appellate court cases that were successfully argued and the case was won. And ours was the only other one in the appeals process that prevailed. All the other ones made a lot of news because they wanted the Supreme Court, but they all lost.

AH: Right, because it is like even when the case—Omura's case, people do remember that he was exonerated and the other seven of you were convicted. But in the next stages, all seven of you were exonerated.

FE: Right.

AH: And Jimmy, himself, makes the point that when he got the news about that he was joyous about it. But, he felt that what that did was to exonerate all of you for what you were involved in, in terms of taking on the government on this particular position. Him as a newspaperman, you as people who are directly affected by this. Now, did you ever talk to Omura about his own attitude towards the draft and towards draft resistance?

FE: Oh, he always felt that the government was really wrong in applying the draft into the camps.

AH: But, he would have reported to the draft he would have been drafted, you know that?

FE: Is that right?

AH: Yes, he would have gone; he would have not resisted the draft. Well, he wasn't in camp, so based upon where he was, which is in a different place that you were.

FE: Yeah.

AH: Because he was living in Denver.

FE: Well, he was free.

AH: That's right, that's right. So, his situation was quite different, but he understood your situation and was able to immediately support the rational. But, he was very cautious about draft resistance as a whole.

FE: Yeah.

AH: And I'm sure you guys were cautious about draft resistance until you started talking about what the implications are.

FE: Right.

AH: Where do you think this will go in the future as far as an event? Because right now, we got people like Michelle Malkin sort of after all these efforts of many, many years, not just to deal with the draft resistance but deal with a whole larger set of phenomenon. Japanese American incarceration and stuff during World War II. Where do you think this—cause at some point you are going to leave this earth like the rest of us. You had your eighty-eight birthday—you still look great on your eighty-eight birthday—but you're part of history now. And you easily could have been just history. Where there was no sort of awareness for this history. What's happened, thanks to a lot of people—I thank Frank Chin an awful lot.

FE: Oh, yeah.

AH: For excavating—going through all of these layers; pulling-up the people to come out. And then to have certain people to be willing to come out, it has not been everybody. But, to come out and have those dramatizations of the books that have come out, the conferences and stuff like this. It's come out as such more a positive memory of the JACL, fully and lustily embraces this sort of concept. It's out there. Where do you think it will go in the future? Do you think the Fair Play Committee will be something that will be important in American history, or will it be a footnote?

FE: I think that will probably depend on the historians like yourself, or other authors, or people that could actively spread the story.

AH: Well, it has to have a receptive audience out there.

FE: Yeah.

AH: My only anticipation is that it will be a very important story. I think increasingly, it will be important because it's in a multicultural country.

FE: Especially now, with most of the things going on.

AH: Really, I think it has an application, and it resonates and stuff. I think it will be an important story.

FE: Yeah, when I hear some of the stories from some of the Muslim people that know about what is going on, they were really treated badly.

AH: Right.

FE: Really treated badly. Some very innocent people are still in Guantanamo.

AH: And probably what is hidden from our view right now are the other people that are kin to the Fair Play Committee.

FE: Yeah.

AH: That are doing certain kinds of things; paying prices for it, etcetera. And not having the benefit of necessarily any kind of public recognition of that. Having private moral elation because you know you're doing the right thing. But, it is also nice to have other people recognize that what you were doing for the right thing. I think that with a lot of people that went into the military, their rational was always they were going to prove their loyalty. And I think that what you guys were actually doing was not so much proving your loyalty—because you didn't feel like you had to prove it—but what you're really testing was if this is a country that really lived up to its principles of putting law, constitutional law, in the priorities. And it's always scary though, because when the security issues come along, those things become paramount. And so, I don't know the business about taking a step or two forward and taking some steps backwards.

Michelle Malkin is upset because she feels that even having Norman in the government that Mineta should not automatically refuse to credit the—she's upset with Mineta because he always brings up the business of the Japanese American thing. And so, what he won't do is to violate people's civil rights and civil liberties. On the other hand, there's a lot of people in the Japanese American community who are really mad at Mineta because he hasn't made a more forthright stand. After 9/11, he should have come out stronger, more publically. So, it's sort of funny how one group looks at him in one way, and another group looks at him in another way. I noticed about a week-and-a-half ago when I was in Arkansas for that conference, Mineta was supposed to be one of the speakers, and he was a no-show. I can kind of understand why he decided not show, because he was going to be damned if he did; damned he did when he gave his presentation. I guess he just decided to bail on the thing and just simply say he was pre-occupied with sort of his position and the urgency that that position carries with it, which may or may not be true.

But, in any event, thanks so much for letting me talk to you today about this. I appreciate it. And I appreciate the stand that you took long ago. And also, it's just not the historical stand, but really the stand overtime. Not just to vindicate yourself or the Fair Play Committee, but really to make sure we do have some benchmarks for not just this generation, but future generations to be able to say this is the best aspect of the United States can be. This is what it can stand for, and that it's a very steep price that you often have to pay. And some people sort of have the courage of their convictions and other people don't. Some people don't even have convictions.

FE: Actually, when we were doing all that movement in camp, had no idea—any thought that we would be talking about it like this.

[01:31:03]

AH: Oh, no.

FE: Never thought.

AH: But, you did have thought because you guys did plan pretty well. I mean, you had very good organization. I mean, it wasn't just an organized group, it was a well-organized group. And by keeping things open, by letting people speak their mind and everything else like that, it was very hard for them to prove anything like a conspiracy. I mean, you didn't know that was going to be your case. I mean, you had no idea it was going to be your case. But, you can sense certain types of things, especially when you get legal counsel. The legal counsel said the worst thing you want to do is have Omura come into camp or start talking to him, or something like this, because you would lay the groundwork for somebody thinking you had some conspiracy. Lawyers know that you guys weren't lawyers. I mean, the closet thing you had to it was Okamoto, and after a little while, he was dealing with you guys on a day to day basis because he wasn't even around there.

So, it funny how each of the people involved in the leadership—and that's another thing, the leadership of the stirring Committee changed overtime. It wasn't

the same people from the get-go. That there were certain people that were in the leadership of that, and then they were gone, right? I mean, as things changed a little bit. People always seem to ask this question about the Fair Play Committee. They were those people who were in the Fair Play Committee and seemed to have had a commitment to not reporting for their physical—you know? The draft physical. But, there weren't no reprisals taken against them by the Fair Play Committee, right? You knew you might have some slippage like that, and it was the case of so-be-it, right?

FE: You mean the people that—

AH: Were in the organization but then actually did go to their physical.

FE: Oh, yeah, we had no problem with that. This was something that was really up to the individual, and we welcomed people that felt the same way we did.

AH: Did you have any leaders that did that? Or, were the leaders mostly people that weren't liable to the draft?

FE: No, they were all liable to the draft. Except for—well, Okamoto being non-citizens; he was forty-four years old, too. I had two kids. Nakadate had one child, so we weren't eligible for the draft at the time.

AH: But, did you have some leaders in which they sort of weren't given their draft notice and they reported for their physical?

FE: No.

AH: No. Who had been some of the other people who had been on the Fair Play Committee's steering committee?

FE: Let's see, I think the most active ones were the seven that were indicted. I can't think of anybody else that might have come to one or two meetings and then just dropped-out.

AH: So, not everybody on the steering committee had a specific job? Like they weren't the treasurer or the chair or the vice chair?

FE: Then my dad was the treasurer.

AH: You were the publicity.

FE: Yeah. Okamoto was the chairman. After he was taken away, Nakadate took over as chairman. I vaguely have been writing out these—

AH: Bulletins?

FE: Bulletins. I guess we all had something to do with the committee.[2]

END OF INTERVIEW

[2] Interview ends abruptly.