

Office Memorandum • UNITED STATES GOVERNMENT

TO : Director, FBI

DATE: September 11, 1944

FROM : SAC, Denver

SUBJECT: SELECTIVE SERVICE VIOLATORS,
HEART MOUNTAIN RELOCATION CENTER
SECURITY MATTER - J

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

DATE 6/1/81 BY SP4/EM/ram

Reference is made to Bureau letter dated July 19, 1944, in the above-captioned matter.

This is to advise that the following sixty-three named individuals were defendants in Federal Court at Cheyenne, Wyoming, in a non jury trial before United States District Judge T. BLAKE KENNEDY, the trial starting June 12, 1944:

- | | |
|----------------------------|----------------------------|
| ✓ TSUTOMU BEN WAKAYE | ✓ FRANK MORIKAZU MATSUURA |
| ✓ GEORGE ISHIKAWA | ✓ SUMIO TSUYUKI |
| ✓ SHIGERU FUJII | ✓ ERNEST YUTAKA ISHIMARU |
| ✓ TAKEO ISHIKAWA | ✓ TAKESEI HORI |
| ✓ JACK SHETSUGU ISHIKAWA | ✓ TOMEC KURO |
| ✓ SAM SAMU SHIMANE | ✓ TAKASHI HOSHIZAKI |
| ✓ TAMIO TOYAHARA | ✓ GEORGE KAZUO MATSUBA |
| ✓ GEORGE MASAO YOSHIDA | ✓ HETRA HIROSHIGE |
| ✓ HALLEY MINOURA | ✓ TAKEO GRANT LIDE |
| ✓ SHIGERU YEMOTSU | ✓ KAZUO KIWADA |
| ✓ FRED LOVE IRIYE | ✓ YOSHITO SUROMIYA |
| ✓ JAMES MASACHIKI MINATANI | ✓ AKIRA MATSUMOTO |
| ✓ CARL KOARU NAKADA | ✓ KEN ENROKU SUMIDA |
| ✓ TADASHI OMI | ✓ DAVID TETSUTARO KAWAKOTO |
| ✓ MIYOTO KAWASAKI | ✓ ILM PATSUYA KILURA |
| ✓ GEORGE ICORU KURASAKI | ✓ KAKOTO JIM KIWADA |
| ✓ KENICHI KEN TAINAKA | ✓ JAMES SAFORE SAKO |
| ✓ JACK MIYOTO TONO | ✓ EDWARD HEROMU YANAGISAKO |
| ✓ SUSUMU HAROLD HIRAYAMA | ✓ JAMES YOSHIO KADO |
| ✓ RAY YOSHIO MOTONAGA | ✓ KAZUO HIROSE |
| ✓ HARRY YOSHIKI IKEMOTO | ✓ SAM SAMU ISHIZAKI |
| ✓ MITSURU KOSHIZAKI | ✓ MASAO BOBBY NAGAHARA |
| ✓ CHESTER TORU SHIMANE | ✓ GEORGE FUJIO SHIMANE |
| ✓ HENRY SHINTA | ✓ NOBORU SUMI |
| ✓ SHIGERU UYENO | ✓ SACHIO BILL SUMI |
| ✓ TORU TOY INO | ✓ ATTUSHI SUZUKI |
| ✓ LLOYD ICHIRO OKAWA | ✓ GEORGE MOICHI TANABE |
| ✓ MASAO MATEKAWA | ✓ ICHIRO MORITA |
| ✓ TORAC UYEMURA | ✓ FRED KATSURU SHIMANE |
| ✓ HIYOSHI ISHIKAWA | ✓ MINORU TAMESA |
| ✓ JUNICHI ISHIMARU | ✓ GEORGE SUSUMU UEDA |
| ✓ MASAFUMI IMAI | |

RECORDED COPY FILED IN

78 OCT 4 1944 / 78

RECORDED & INDEXED EX-40

37 SEP 15 1944

100-164195-47

20043

Director, FBI

September 11, 1944

Inasmuch as all defendants were charged with the same violation, the United States Attorney at Cheyenne and the Defense Council agreed to a consolidated case. The Government rested its case on Thursday, June 15, 1944, after the trial began June 12, 1944. The court recessed Friday afternoon, June 16, 1944, and resumed Monday morning, June 19, 1944. The trial was concluded late Tuesday afternoon, June 20, 1944. Judge KENNEDY rendered his decision on the morning of June 26, 1944, at which time he sentenced each defendant for a period of three years. Thirty of the defendants were later committed to the federal penitentiary at Fort Leavenworth, Kansas, while the other thirty-three were committed to the federal penitentiary at McNeil Island. None of the defendants testified in their own behalf at the trial. They were represented by Mr. SAMUEL D. MENIN of Denver, Colorado, who was assisted by Mr. CLYDE WATTS of Cheyenne, Wyoming, and a former State District Judge.

All of the defendants were former residents of California, Washington and Oregon and, of course, were evacuated from the Western Defense Command in May of 1942. They were at first placed at assembly centers and then were transferred to the Heart Mountain Relocation Center near Cody, Wyoming. In conformity with their previous residence in the Western Coastal states, all of these individuals were registered with Local Draft Boards in those states with the exception of three persons who became of draft age while they were assignees of the Heart Mountain Relocation Center. Those declared their residence there and became registrants of Local Draft Board No. 1 at Powell, Wyoming.

It should be noted that several of the individuals coming of draft age preferred to register with Local Draft Boards in the western states and gave their past residence there rather than declare themselves a resident of Wyoming and so become a registrant of the Local Draft Board at Powell. Consequently, with the exception of these three individuals, all of the defendants were transferees for their preinduction physical examination to Local Board No. 1 at Powell, Wyoming. This Local Board thus ordered all of the defendants to report for their preinduction physical examinations. They failed to report as ordered for their preinduction examinations over a period from March 6, 1944, to April 30, 1944.

Subsequent to their failure to report for their preinduction physical examinations, the United States Attorney at Cheyenne, Wyoming, Mr. CARL L. SACKETT, authorized complaints against each and every one of them, with the exception of the ten individuals last named in the list set out previously. The complaints were authorized on three different days by

Check the papers with the last group of papers I sent to you.

Director, FBI

September 11, 1944

Mr. SACKETT, March 22, March 31 and April 1, 1944. Due to the nearness of the convening of the Federal Grand Jury on May 8, 1944, at Cheyenne, ten of the defendants were indicted and were subsequently arrested upon bench warrants. All defendants were indicted May 10, 1944. The defendants were all charged in the Commissioner's complaints and subsequent indictments or the indictments alone, with reference to the ten, with failure to report for their preinduction physical examinations as ordered by the Local Draft Board at Powell, Wyoming.

The fifty-three defendants were arrested on Commissioner's Complaints by the United States Marshal's Office at Cheyenne, Wyoming, over a period from March 25, 1944, to April 6, 1944. The ten were arrested on bench warrants and were taken into custody by the Marshal's Office on May 25, 1944. The fifty-three who were arrested on Commissioner's warrants were arraigned by Mr. T. C. COWGILL, the United States Commissioner at Cody, Wyoming, each one pleading not guilty on arraignment, and in default of \$2000 bond were committed to several county jails in the state of Wyoming. Those arrested on bench warrants were arraigned before Judge KENNEDY. They likewise pled not guilty and in default of bond were remanded to the Laramie County Jail at Cheyenne, Wyoming.

Each of the sixty-three defendants was interviewed subsequent to his arraignment either before the Commissioner or Judge KENNEDY. With the exception of one individual who declined to say anything, each admitted his Selective Service registration, his American citizenship and his receipt of an order to report for preinduction physical examination and subsequent failure to report in conformity with that order.

In conjunction with these admissions, the War Relocation Authority at Heart Mountain, through its Internal Security Department, contacted, in most instances, the sixty-three defendants as they failed to report, to verify their receipt of the order for preinduction physical examination.

As to the reason and reasons why they did not report as ordered by the Local Board at Powell, Wyoming, the defendants gave various and sundry explanations. However, they may be summarized briefly as follows: They claimed that the entire evacuation program was unfair; they cited forced losses of property for which they have received no remuneration from the United States Government; they protested 4-C classifications, which many of them did receive, stating that such classification designated an enemy alien; they alleged discrimination as to them because all of the branches of the Army and the Navy were forbidden to them; they expressed extreme

Jack:
Don't know what
happened to page 3.
My set is missing
that page, too. Will
try to find it & send
it along to you.

Director, FBI

September 11, 1944

dislike for being detained in a camp surrounded by barbed wire and guarded by Military Police. Other alleged discriminatory acts on the part of the Government were cited which are too numerous to mention. With the exception of one individual, they all expressed loyalty to the United States and a willingness to serve in the armed forces when and if their citizenship status should be clarified.

Mention may be made in connection with the above trial of an organization formerly rather strong in the Heart Mountain Center called the Fair Play Committee. This Committee was originally started by an evacuee whose name is KIYOSHI OKAMOTO in the latter part of 1943. Its ostensible purpose was to promote a show-down concerning the constitutionality to hold American citizens in the Relocation centers. However, when the United States Army changed its policy as to the acceptability of Nisei on January 20, 1944, such Committee branched out to include agitation concerning the drafting of evacuees from the Center. Other individuals than OKAMOTO became interested and many meetings were held in the Center. It was the apparent purpose of the Committee and of its leaders and the members thereof to fight the drafting of the evacuees prior to a clarification of their citizenship status. One circular in particular distributed by such organization stated that the members were not going to report for their preinduction physical examinations until their citizenship status was clarified.

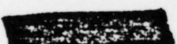
The seven prominent leaders of this Committee were indicted secretly by a Federal Grand Jury at Cheyenne, Wyoming, on May 10, 1944. Included in the secret indictment was one individual by the name of UTAKA MATSUMOTO who was not a resident of the Heart Mountain Center but lived in Denver, Colorado, and during the first five months of 1944 was the editor of the English section of a Japanese-American vernacular newspaper, the Rocky Shimpo, published in Denver, Colorado. MATSUMOTO in his editorial comments was very caustic and favored the policies and sentiments of the Fair Play Committee at the Heart Mountain Center. These eight individuals were subsequently arrested on July 20, 1944, and are now incarcerated in the Laramie County Jail at Cheyenne, Wyoming, pending trial which has been tentatively set for October 23, 1944.

The names of every one of the sixty-three defendants appeared on the membership list of the Fair Play Committee although some denied in the interview that they were members. Further, all of them denied, with the exception of one individual, having been influenced in any way by such Committee although they said they were members and attended several meetings.

Director, FBI

September 11, 1944

Mr. SAMUEL MENIN and Mr. CLYDE WATTS are presently appealing the case of the sixty-three defendants. However, such appeal has not been filed as yet due to the fact that a stipulation of facts has not been agreed upon between the Defense Council and Mr. SACKETT. The transcript of record is not going up on appeal, the Defense Council preferring to an agreed stipulation of material.

 66-627

b7c