

Office Memorandum • UNITED STATES GOVERNMENT

TO : Director, FBI

DATE: May 26, 1944

FROM : SAC, Denver

SUBJECT: Selective Service Cases
Heart Mountain, WyomingALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

DATE 4/29/81 BY SP4GRM/nem

Relocation Center

For the information of the Bureau there are being transmitted herewith two copies of a report furnished the Denver Field Division by representatives of the Japanese American Citizens League who interviewed numerous Japanese-American subjects presently awaiting trial for refusal to report for their pre-induction physical examinations at the Heart Mountain War Relocation Center, Heart Mountain, Wyoming. The individuals who contacted the defendants were MIN YASUI, prominent nisei attorney whose background is known to the Bureau, and JOE GRANT MASOAKA, regional representative in Colorado for the Japanese American Citizens League.

These individuals have previously endeavored to induce nisei Selective Service registrants in this area to comply with the provisions of the Selective Training and Service Act, their purpose in visiting the Heart Mountain draft delinquents was to ascertain their reasons for refusing to report for the pre-induction physical examinations as ordered.

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JAPANESE AMERICAN CITIZENS LEAGUE
618 Empire Bldg. Cherry 5990
Denver, 2, Colo.

VISIT TO CHEYENNE COUNTY JAIL

with Japanese American Draft Delinquents

(Interviewers:

(Min Yasui, Attorney

(Joe Grant Masaoka,

(JACL Regional Representative)

(Interviews Conducted:

(April 28, 1944

(6:30 p.m. to 10:00 p.m.

(Cheyenne County Jail

(Cheyenne, Wyoming

Purpose Of

Trip

The refusal of 58 Japanese Americans from the Heart Mountain Relocation Center to report for pre-induction physical examinations has attracted some national attention to the matter of Japanese in this country. The ad-

verse reactions resulting from such a great number of draft delinquents from one center points to serious conditions existing there. Any action which lowers public regard for Americans of Japanese ancestry compels the interest and concern of all those engaged in furthering the public acceptance of Japanese residents in the nation.

Furthermore, organizationally and individually, as patriotic and Loyal Americans, it is deplorable and tragic to note the insidious type of thinking that is evidently prevalent in the center. It was felt that promotion of Americanism is vitally important in time of war, and that whatever contribution that could be made towards that end would very much be worth our time and effort. By interviewing the boys in the Cheyenne County Jail, it was hoped that some indication of the processes of thinking and the manner of organization behind the draft resistance could be gained, so as to be able to work the best procedures and the most practical programs to counteract such influences in the relocation centers. In addition thereto, if it were possible to persuade any of the boys at the Cheyenne County Jail to reconsider his stand, it was felt that such repudiation would have some effect upon the draft-resistance group in the centers, and tend to dissuade others from following the same course of action.

Mr. Min Yasui, a licensed attorney in the State of Oregon, who had attempted to secure a Supreme Court declaration of citizenship rights of the nisei, identical to that which these nisei draft violators are now seeking, believed that a personal interview with these boys would reveal to them the legal fallacies of their thinking and attitude. It was felt that a man who has had legal training and experiences in a county jail would have the effect upon the boys in the Cheyenne County Jail.

Mr. Joe Grant Masaoka, as Regional Representative of the Japanese American Citizens League, which is dedicated to the highest ideals of

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Americanism and consecrated to the full observance of the tenets of citizenship and patriotism, had indications that Heart Mountain malcontents had influenced these boys. To ascertain the influence which contributed to the decision of these boys and to attempt to prevent such ill-advised draft delinquencies was an impelling motive to talk to these boys.

Appointment with the
Hon. Carl L. Sackett,
U. S. Attorney for the
District of Wyoming

Preliminary to our call at the County Jail, we met with Hon. Carl L. Sackett, U. S. Attorney for the District of Wyoming. Mr. Sackett has a colorful background in the old West, where a man's worth and conduct, rather than his antecedents, counted in the estimation of men. He has also had acquaintance of persons of Japanese descent in the past. In his approach towards the duties of his public office, Mr. Sackett believes that all men are equal before the law. Those who commit offenses against the law shall be prosecuted with equal vigor, without regard to race, creed or color, according to Mr. Sackett.

In talking to the U. S. Attorney, we pointed out that the action of these boys was not a deliberate and intentional act of disloyalty, but rather an ineffectual and certainly ill-advised protest against the injustices and suspension of certain civil rights for the past two years suffered by those of Japanese ancestry. Mr. Sackett's attitude was that he was not interested in the reasons behind the refusal of the boys to obey the Selective Service orders, but that a violation of the law had been committed, and that it was his duty to prosecute the violators for this crime.

Mr. Sackett was firm in declaring that the Nisei draft violators had full opportunity to discuss their decision beforehand, and to be prepared to accept the full consequences of their act. To his way of thinking, Mr. Sackett averred that by refusing to comply with the draft, these boys were a detriment to the war effort and are sabotaging this country in the present war. He stated that he had more respect for the man who would declare his loyalty to another country openly. He believed that these boys were merely exploiting the matter of this "protest refusal" as a cover, pretext and excuse; that the nisei had been claiming unqualified loyalty and allegiance to the United States of America, but that when they were given an opportunity to demonstrate their loyalty, they had come out into the open regarding their real loyalties.

When it was suggested that the boys were victims of misinformation and incorrect advice, Mr. Sackett declared that there might be grounds for a possible conspiracy charge against the malefactors. This is presumed to carry a heavier penalty.

Mr. Sackett was not averse to our visiting the Nisei committed to the Cheyenne Jail. He observed that others, especially from the center, had approached him as to visits to the boys, but that he had refused permission. He noted too that the attorney for the boys had not yet conferred with the boys in the Cheyenne County Jail.

REACTIONS gained
from visiting the Nisei
Draft Delinquents:

A total to date of 59 Japanese American
draft delinquents have been arrested by
the FBI, and are being held in the cus-
tody of the U. S. Marshal at Cheyenne,

2003:

Wyoming. These 59 are being detained in six jails scattered throughout Wyoming and are awaiting action by the grand jury which meets on May 2nd.

17 of the 59 are being housed in the Cheyenne County Jail. The Deputy Sheriff brought out for interview, six of the boys who had been behind bars for three weeks. Their ages ranged from 19 to 26 years. Prison pallor was already becoming evident on their faces and hands. The boys were brought in one at a time, and after the interview were kept apart from those not yet called until the visiting was completed.

The boys seemed to be in fairly good spirits — the sheriff accommodating their wants for candy and fruits by making purchases for them. As with other prisoners, they are not allowed any reading matter, although they are permitted to write once a week and to receive letters written to them. This no-reading matter rule was imposed because other prisoners have burned paper to re-heat their coffee.

IDENTICAL ARGUMENTS: In talking to each of the boys, we found a striking sameness of language and thought. For instance: "If we serve in the army and when this war is over, we'll be sent back to our homes — it'll be behind barbed wire fences in the Heart Mountain Center."

Unanimously, they admitted they were fighting to secure court action in order to clarify their citizenship rights and status. Apparently they believe that this is the last resort by which they can hope to gain a restoration of suspended civil rights, such as the right to return to the Prohibited Area on the West Coast.

None of the boys have signed expatriation papers. They continue to express a willingness to enter the Army, if their concepts of equality of treatment and citizenship are fulfilled.

SHAKEN FAITH: Probing into the basic attitudes of the boys, it was apparent that these boys are wavering in their faith in America. Yet, by resorting to court action, clinging to the hope of a favorable decision and clarification of their citizenship rights, they indicate a lingering faith and hope in America. However, having been in a relocation center for two years, away from the mainstream of normal living, and being constantly exposed to the racist thinking brought on by the evacuation, these boys have not much confidence as to their future in this country, even should they go into the Army.

NO RESPONSIBLE CONSULTANT: Our impression was that these draft delinquents are quite assured that the expense of a court defense is forthcoming. And yet, it was gathered that these Nisei draft delinquents had met with no responsible legal consultant or project advisor, qualified to consult on selective service matters. The thinking and attitude of the boys were undoubtedly influenced by mass psychology and emotionalism.

FUNDS AVAILABLE: They indicated that strong support would be given them; one young man airily waved aside the suggestion that \$5,000 to \$10,000

might be needed to carry a case to the United States Supreme Court. The fact that ample funds were available seemed to be taken for granted.

UNAWAWARENESS OF PRESENT CAMP FEELING: While the feeling and sentiment of a month ago in Heart Mountain was reportedly quite sympathetic to the attitude of these nonconformists, camp sentiment now, we are informed by other sources, has veered away from the extremist views. Supposed popular supposed popular support does not back these draft evaders. Still, the boys in jail seem to be sustained by the feelings and demonstrations they witnessed a month ago. They seem to derive, too, some comfort in the impression that other centers are unitedly doing as they have acted.

PUBLIC RELATIONS EFFECT LITTLE CONCERN: Boomeranging of good will toward persons of Japanese ancestry and the ill-effects of such adverse feeling upon 135,000 of the Japanese population in this country are seemingly of secondary concern to the boys in jail. Their personal contentions and convictions seem to largely exclude other considerations.

GANG SPIRIT APPARENT: What might be presumed as typical of the "gang spirit" motivating these youths can be seen in various admissions. One boy who had just been discharged from the hospital for a hernia operation and who would certainly be physically rejected, still refused to report for pre-induction physical examination because of his conviction that a great principle was involved, and which affected every person of Japanese ancestry.

All manifested the intention of following-through with their original decision. There appeared to be some encouragement and confidence of winning this legal battle.

Tragically enough, fears of prison life and those long barren years do not seem to dismay them overly. Even the ostracism with which society surrounds an ex-convict does not occupy unduly their thoughts.

Varied and mixed emotions characterize these nisei draft violators. Some display manifestations of a martyr complex, some are sullen and resentful, and in others, traces of self-pity can be discerned.

All, without exception, emphatically reiterated that his decision to refuse to report for the pre-induction physical was his own personal decision, influenced by no other persons. Each seemed to be aware that any other admission would implicate some other person.

CONCLUSIONS: Because these Japanese American draft delinquents have been living constantly together in confinement for the past month, the questioning of the six boys should be a fairly accurate index and cross-examination of the attitude of the remaining eleven.

Generally, all the boys interrogated were extremely noncommittal, as though they had been forewarned to divulge nothing. Certainly, some are too young and immature to formulate any profound convictions of their own.

It seems too that the incarceration of these boys in one group bolsters and inspirits each other. Anyone of the group who might be inclined to doubt the wisdom of their conduct would be quashed by the arguments expressed to us: "We're in this far; we might as well see this through." Those who might want to change their minds, convinced of the error of their ways, would probably not be tolerated. For these reasons, separate and individual cells would allow considerable introspection and self-analysis. It would supplant individual decision for group pressure.

In furtherance of the idea of free thinking, the Japanese American boys might be permitted to read newspapers and magazines — it would give them a more balanced perspective.

To straighten out these boys, it certainly should be in order for arrangements to be made for their own lawyer to see and talk to them individually. He might clarify their aims, and he might more forcefully show them how futile their gesture will be.

In view of this tragic aftermath of evacuation, might it not be too much to hope that the government extend every chance for salvation and leniency to these hapless youths. If the families of these boys, if the representatives of the Heart Mountain Relocation Center can, in humanity's name, exercise every plea to ask the boys to recant from their decision, then surely as those of us who believe in tempering justice with mercy, opportunity for dismissal of the charges ought to be forthcoming, provided and if these boys would fulfill their obligations of citizenship.

The catastrophe and destruction of human lives in war is surely a blot and sin upon the whole of mankind. If preventable, tragedies to the lives of 59 human beings can be averted, and if this cause does not enlist the immediate action by the families to persuade the boys to reconsider and to endeavor to secure dismissal of the charges, then surely will the blame for destroying the future usefulness of 59 American citizens of Japanese ancestry be chargeable to the families and people of the Heart Mountain Relocation Center.

Respectfully submitted,

MIN YASUI

JOE GRANT MASAOKA