

TRIAL  
U.S. Court vs Japanese Americans  
June 1944

Charged by U.S. D.A. Carl Sackett on Selective S. Act Juen 12th. We sixty three person of Japanese American were brought before Court on about 9:45 AM. At 10:00 the Court were in session presiding Judge Kennedy.

Defense Counsel were Samuel Menin of Denver, who is assisted by Judge Clyde Watts of Cheyenne.

First witness were Alta Christensen, Clerk of the Powell draft board.

Eight of the sixty three defendants were called to sit at the defense Council talbe, and Kenroku Ken Sumida's case was the first under discussion.

Upon cross examination Menin brought out that the defendant had reported for a physical examination at the request of his California draft board and had been classified 4-C which he stated was an enemy alien classification. This in spite of the fact that the defendant was an American Citizen. Later testimony revealed the defendant's classification had been changed to 1-A and he had been ordered to report for a physical after his removal to the Heart Mountain Center

Judge Christensen failed to identify any of the defendents called, stating that she knew that a defendant by a particular name was ordered to report and had failed to comply with the order. Court suspended at about 5:30 to be resumed at 9:30AM.

June 13. The Court resumed at 9:30AM~. First two special agents of the federal bureau of investigations were the main witness for the government here today. They were H.W. Inc Millen, Casper F.B.I. Agent testified he interviewed 25 of the defendants. Also Robert G. Lawerence of the F.B.I., who interviewed 20 of the men, was testifying along the same lines when court recessed.

In his cross examination of the agents, Menin asked both FBI men if it were not true that each defendant had indicated a desire to fight for his Country providing his Constitutional rights were restored and in most instances the replay was "yes."

Attorneys for both sides sought to speed up the hearing yesterday but none could indicate how soon the trial would end. Court suspended at 5:30 to be resumed next morning at 9:30.

June 14th. The FBI Agent R.A. Knittle of Casper and Kenneth W. Brown of Denver had testify defendant all testified that all of the defendants indicated a willingness to enter the armed services when their rights were clarified.

Another witness testifying for the government yesterday was Estelle Wheatley, chief clerk of the Palo Alto Calif. draft board, who stated that upon order of the selective service headquarters her board reclassified several of the defendants from 4-C to 1-A. Col. A.R. Boyack, assistant director of S.S. in Wyoming was witness, testifying that appeals from 1-A, 1-A-O, and 4E may not be granted under regulations until a pre-induction physical is taken. He also testified that all 63 of the defendants had been made acceptable for military service under the Selective Service Act and were at that time, transferred from a 4-C to a 1-A classification. Court suspended till morning.

June 15th.

Federal Judge T. Blake Kennedy granted the request of Defense Counsel Samuel D. Menin to recess the Court until 9:30 morning following the conclusion of government evidence in order that the defense might have an opportunity to study more than 200 exhibits introduced in evidence by the United State before presenting his case.

George B. Smith, deputy U.S. Marshall testifying for the government identified all 63 of the defendants under questioning by Sackett and his assistant, John C. Pickett. The one defendant, Jim Tatsuya Kimura, Smith testified, refused to sign the card after his prints were taken.

Douglas M. Todd, assistant director of the Heart Mountain Center, was the next government witness. He testified that the men at the camp were given an opportunity to relocate themselves and that all loyal inmates of the camps were given passes to leave.

Under cross examination, Todd testified part of the center is surrounded by barbed wire, but stated it was only a small part of the are and that the men living at the center were not always behind the fence.

"You have what is known as a stop lost at the center?" Menin asked. Persons who may be deemed detrimental to the security of the U.S. and the war effort," Todd testified. Asked whether or not some of the defendants have been on the "stop list," Todd stated that no men called for selective service had been on the list to his knowledge.

Menin also questioned Todd at some length about a U.S. Army regulation form which he stated men of the center were asked to fill out before being permitted to enter military service.

He answered in particular about question 28 on the form which he said was known as the "Loyalty Question." He stated the question asked the men to denounce allegiance to the emperor of Japan and pledge allegiance to the U.S. Menin wanted to know whether any of the men had been forced to sign the card and if some had not objected to question number 28 for the reason they had

never pledged allegiance to the emperor and therefore had no reason to demounce their allegiance to him.

Col. A.R. Bayack, assistant director of selective service in the State was recalled to the stand as the last witness for the government. He testified further regarding S.S. reg. court suspended till morning.

Nisei trial to resume on Monday.

June 15. Federal District Judge T. Blake Kennedy yesterday denied a motion by defense counsel Samuel Menin to dismiss charges against all 63 men. On denying the motion based on six separate grounds, Judge stated he would overrule on all grounds at this time, with the reservation that the motion might be presented again later.

Menein drew particular attention to the cases of two of the defendants. On the case of Masao Mayakawa on pre-induction notice and also on Jack Tono, classified 4-C in Oct. 42. On March 25-43 Tono volunteered for induction and was denied and then received 4-C again and March received 1-A again. Court recess until Monday morning. Presentation of evidence by Mon. or Tues. morning.

June 19th. District Attorneys Sacketts and his assistant J.C. Pickett testify the 63 defendant who all had failed to report for pre-physicals ex and said, "All of the defendants disregard government order on law," and he said we are all unloyal citizens. Defense Counsel S. Menin present the side of defendants that one and every one are loyal to this Country. They all are willing to fight as soon as rights are restored as citizen.

Judge Kennedy asked to have little time before he make decision on the case because it involves monay different angle and Judge was only fair to hear the case. Court suspended until notice by judge to appear on given date.

June 26. Federal District Judge T. Blake Kennedy sentenced all sixty three defendants for three years in Federal pen. He claims that all of us broke Federal law and it was big mistake to disregard it. We all express our loyalty to help this country if only when our civil rights are restore. We all pray that Lord will look after us and some dya the justice will be done upon us.

The case ended but it was a good try.