

CHAPTER XIII

WHO WILL PROSECUTE TOKYO ROSE?

Inside the Justice Department, a Tokyo Rose treason trial was hard to justify. Not only had the Los Angeles District Attorney, James M. Carter, recommended against it. So had the U.S. District Attorney in San Francisco, Frank J. Hennessy.

To get a third opinion, U.S. Attorney General Tom Clark referred the case to special prosecutor, Thomas E. DeWolfe, the department's expert in matters of treason. DeWolfe had headed the government's recent wartime treason case against Chandler and Best in Boston, in which both defendants were convicted.

After investigating the evidence against Iva Toguri, DeWolfe also recommended against trying her for treason. In a remarkable memorandum to Raymond PI Whearty, First Assistant U.S. Attorney General, DeWolfe spelled out why. The memorandum is dated May 25, 1948 – three weeks after Harry Brundidge had sensationalized the news in the *Nashville Tennessean* that a Tokyo Rose treason trial would be held.

The memo remained confidential in the Justice Department files until 1975.

Because of its importance in light of subsequent events, the memo is quoted here in full, just as Tom DeWolfe wrote it on May 25, 1948, shortly before the indictment of Iva Toguri as a treasonous Tokyo Rose.

*Office Memorandum** UNITED STATES GOVERNMENT*

To: Raymond PI Whearty

Date: May 25, 1948

From: Tom DeWolfe

TED'LA

Subject: Iva Toguri

146-28-1941

STATEMENT OF THE CASE

Reference is made to the above-entitled prospective treason prosecution, presently pending in the Department. Subject is not under restraint or in custody, and no criminal proceedings have ever been instituted against her in the United States.

Subject will be 32 years of age on 4 July next. She is **Nisei**, having been born in California of Japanese non-United States-citizen parentage. She graduated from the University of California, Los Angeles Branch, in 1940.

Her aunt was ill in Tokyo and subject's mother, being of unsound health, requested subject in the summer of 1941 to proceed to the Orient for the purpose of nursing subject's aunt. In July, 1941, lacking a passport but provided with a certificate of identification, subject sailed from southern California to the Orient. Having made the voyage without a passport and wishing to secure one, she visited the American Embassy in Tokyo and executed the appropriate application. *In the latter part of November 1941, she wished to return to the United States. She again visited the American Embassy for the purpose of obtaining a passport and was advised by American Embassy officials that they had received no authorization from Washington to issue her a passport.* However, the Embassy furnished her with a letter at that time stating that an application had been made for the passport. With this letter an attempt was made by subject to book passage on a ship scheduled to sail for the United States on 2 December 1941. She then learned that a permit was necessary from the Japanese Finance Ministry authorizing and empowering her to take out of Japan the money she had brought with her there from the United States. Before this permit was obtainable the ship had sailed and subject was left in Japan at the beginning of the war on 8 December 1941.

Finding it difficult to adjust herself among the citizenry of Tokyo through her *inability to speak the Japanese language, subject enrolled in the School of Japanese Language and Culture* in Tokyo shortly after her arrival and continued to attend this school until December, 1942. Early in 1942 she was advised that the passage would cost approximately \$400 and that it would be necessary for her to pay the cost of the passage either before she left Japan or for someone in the United States to guarantee payment on her arrival in this country. Furthermore, she was told by the Swiss Legation that because of the fact that she was without a passport there was little chance that she would be evacuated to America on the first repatriation ship. In September 1942 she again went to the Swiss Legation in an endeavor to secure passage to New York on the Gripsholm but was unable to raise the amount of money required for the passage. After this occurrence she registered at a Japanese ward police as an alien and continuously thereafter until the fall of Japan was under the surveillance and scrutiny of the Japanese police.

CHAPTER III

HOW THE NIGHTMARE BEGAN

The bombing of Pearl Harbor on December 7th, 1941, and the announcement of war the next day had hit Japanese homes with every bit as much surprise as it did American ones. Iva's uncle told her about the bombing and the declaration of war – Iva couldn't understand the radio broadcasts nor read the papers. When told, she simply couldn't believe that such a thing had happened.

On December 8th, two police agents from Setagaya Ward came to see her at her uncle's house. They told her that Mr. Fujiwara of the Japanese special police was interested to know what she was going to do.

"It would be a good idea for you to take out Japanese citizenship," one of them had suggested.

To become a Japanese citizen was quite simple for the more than 10,000 **Nisei**, caught by the war in Japan. They could do it by registering in the "koseki", their Japanese family registers which were maintained as public records. Iva had been registered in her family koseki by relatives, at the request of her father, when she was two months and several days old on Sept. 13, 1916. Her name had been scratched out of the koseki, again at her father's request, when she was sixteen, on Jan 13, 1932, when it became illegal under American law to hold both Japanese and United States citizenship.

Iva was informed that she had only to have her name written in again to gain full privileges as a Japanese citizen. That would mean no more trips to the police station as an alien, no wrangling for travel visas and special ration cards, peace with her relatives, and less suspicion from their neighbors. Many American **Nisei** caught in Japan by the war were doing that – in fact, nearly all of them were taking out Japanese citizenship. Iva, however, stubbornly resolved that she never would.

The *Tatsuta Maru* had turned back to Japan in mid-passage, so nothing had been lost by Iva's failure to gain passage on that ship. Her next chance had come in February, two months after the start of the war. She had seen a note in an English-language newspaper, the daily *Mainichi*, saying that the Swiss legation in Tokyo was accepting applications for American evacuees to the United States. The ship was the *U.S.S. Gripsholm*. Iva applied immediately. Her application got as

far as the second secretary of the Swiss legation, Mr. Micheli, who informed her that her American citizenship was in doubt – that the status of all Japanese-Americans, even those in the United States, was in doubt. So Ambassador Drew and his party of several hundred other Americans, but not Iva, sailed on the *Grissholm*. She thus suffered her second incident of discrimination – this time at the hands of the Americans.

Iva was spending her passage money to live on by then, and the pressure either to become a Japanese citizen or move out of her aunt and uncle's home was becoming more intense.

"She is *horyo* – an enemy", more than one of his neighbors said to him.

"No, no", Hajemi Hattori said, "she is not an enemy. She is just a woman. Pay no attention to what she says."

"Then why is she here?"

"She came to visit because her mother is sick."

"Her mother is sick? Then let her go back to her sick mother!"

There really was no explaining it to them. Police agents of the *Kompei tai* had been coming to Hajemi Hattori's house regularly, and the neighbors were becoming frightened, which made them even angrier at Hajemi. The worst of it was that she did say foolish things. She said openly in Hajemi's house that the Japanese had started the war, that the Americans would win, and she hoped it would be quickly. It was all too much. She knew that she had to move.

She had begun searching for work as soon as she had been denied passage on the *Gripsholm* in February, but she couldn't get work because she was a U.S. citizen. It was too risky for the Japanese to employ her, even if she could do the work, and there was little work she could do in Japan. She couldn't read Japanese. She had only a very shaky knowledge of conversational Japanese. She couldn't do any interpreting. She couldn't translate.

Matsuniya, the Japanese language school principal, let her earn her tuition at the school by typing an English translation of a grammar book he had written, and by giving piano lessons to his children at 5 yen per lesson (less 2 1/2 yen for rental of the piano), but this did nothing to offset her living expenses. It couldn't even be counted on to offset the school tuition. She earned a total of 20 yen per month with the piano

lessons and the tuition was 30 yen per month. She quit the language school in late spring.

By this time she was well into her cash reserves – the \$300 for passage back to the United States. She walked the streets for three months and searched each English-language newspaper she could lay her hands on until she finally saw an ad for an English-language typist. She applied and got the job as a part-time typist-monitor at the Ataga Hill listening outpost of the Domei News Agency in Tokyo. Her job was to monitor American and Allied News via shortwave for five hours a day, five days a week at a salary of 110 yen per month (less a 25 per cent tax deduction). That left just enough to cover her room and board at her new residence – Onarikin House in Shiba Ward, Tokyo (65 yen a month for room and two meals per day).

At the time that she had moved from her uncle's place, in June, she learned that her family in California was incarcerated in the Gila River Relocation Camp, in Arizona. She tried to write them, but nothing was ever returned. She of course had hopes of being able to pay her way back to the United States if she could get in touch with her father. Jun Toguri had been very successful in his Los Angeles grocery and import business, but it was impossible to know what his financial condition might be now that he was in a relocation camp. Iva wondered about that term, "relocation camp". What exactly did that mean?

She had talked about her situation with her acquaintances, Chiyeko Ito and Yoniko Matsunaga, in visits to the Waseda International Institute in Tokyo where they were attending school. They were also American **Nisei**.

"Can they make you become a Japanese citizen?" was the question uppermost in each of their minds.

"They can never make you take out Japanese citizenship because that is your prerogative", said Iva.

"They can intern you", one answered.

"Yes, they can, but no one can make you become a Japanese citizen."

The job at Domei's Ataga Hill outpost had done two important things for Iva: it put her in contact with news of the war which she could understand and interpret. She received news reports via short wave from Hawaii, San Francisco, New York, and London. She heard the commentaries of William Winter and H.V. Kaltenborn. Then, the Domei