

Of Coercion and Accommodation:
Looking at Japanese American Imprisonment through a Law Office Window

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The episode of injustice we call the “Japanese American internment”¹ was fundamentally a creation and deployment of law. It was launched by an executive order, enforced by federal statute, litigated in the federal courts, and terminated as a consequence of a Supreme Court decree.² The ample legal historiography on the mass removal and imprisonment³ of Japanese Americans has focused chiefly on the genesis of the decision for removal and imprisonment and on efforts to attack (and defend) the constitutionality of curfew, removal, and detention.⁴ Front and center have been the actions and decisions of figures at the “top” of the program: the president, the congressmen and military leaders who pressed for it, the high-ranking Justice Department officials who defended it in court, and the Supreme Court justices who adjudicated its legality.

In all of this attention to the inception, defense, and adjudication of removal and mass confinement, scholars have overlooked a body of law that was arguably as important to the episode as the laws and decisions that set it in motion and ended it. This is what might be termed the administrative law of incarceration, the enormous body of rules and practices that governed the day-to-day operation of the camps and shaped the day-to-day interactions between the inmates and the employees of the War Relocation Authority (WRA), the civilian agency created in March of 1942 to implement the program.⁵ Just a moment’s reflection about a network of camps housing well over 100,000 people quickly confirms the need for a vast field of regulation, starting with the construction of the camps and the reception of people and personal property and

ending with the closing of the camps and the dispersal of people and property. Between these beginning and ending points lay the need for rules governing countless aspects of life in camp – food service, medical care, education, employment, recreation, agriculture, labor, policing, commercial activity, community government, and on and on. The WRA created many such rules from its headquarters in Washington, DC; by war’s end they filled hundreds of pages of an administrative manual.

These regulations were neither self-interpreting nor self-enforcing. Those tasks fell to WRA staff members at the ten camps, working in constantly changing conditions in remote locations, where instructions from Washington were normally available only at the pace of letters in the U.S. mail.⁶ One of the most important of those staff members for the day-to-day interpretation of the rules was each camp’s “Project Attorney,” a government lawyer who ran what in effect was a combination of a city attorney’s office and a legal aid bureau in a couple of rooms in the camp’s administrative barracks, often with the assistance of one or two Japanese Americans with legal training or tax or business experience. This paper uses the work of the project attorney at the Heart Mountain Relocation Center in Wyoming, one of the ten WRA camps, as a lens for viewing the relationship between the WRA and its prisoners on basic questions of the camp’s structure and operation. It focuses on three of the many matters about which the project attorney simultaneously advised WRA administrators and camp inmates: the design of the camp’s system of community government, its internal criminal justice system, and its community business enterprises that sold goods and services to the imprisoned population.

The paper is a microhistory, mining the records of just one law office at a single camp for insights about how the internees and the WRA interfaced with each other. It does not pretend to be a comprehensive regulatory history of the WRA. Nonetheless, evidence from this one office

tantalizingly suggests a need to revise our current understanding of how the WRA and the prisoner community interacted. Noting the New Deal backdrop against which WRA policies were developed and implemented, it suggests that in practice, the WRA and the internees commonly engaged in a process of grassroots negotiation and reciprocal accommodation on matters of community organization. This model differs notably from what the literature now depicts: a top-down system of WRA dominance on community matters, and suggests a need to reconsider our current understanding of how the WRA interacted with its captives on matters of governance.

I. The WRA: Wartime Agency with a New Deal Pedigree

Some background information will help place the Heart Mountain Project Attorney's Office in its context. Executive Order 9066, signed by President Franklin Roosevelt on February 19, 1942, conferred on the Secretary of War the power to permit military commanders to designate "military areas" from which they could exclude "any or all persons."⁷ Lieutenant General John L. DeWitt, Commander of the Western Defense Command, invoked that authority almost immediately to begin uprooting all people of Japanese ancestry, citizens and resident aliens alike, from a wide coastal strip. By further executive order, President Franklin Roosevelt established the War Relocation Authority as a unit of the Office of Emergency Management of the Executive Office of the President on March 18, 1942.⁸ The order conferred on the Director of this new administrative unit the authority "to formulate and effectuate a program for the removal [from the coastal areas designated pursuant to Executive Order 9066] ... of the persons or classes of persons designated under such Executive Order, and for their relocation, maintenance, and supervision."⁹ As a practical matter, the military shouldered the responsibility

for removing the more than 110,000 affected people from their homes, transporting them to temporary “assembly centers,” confining them there through the spring and summer of 1942, and transporting them to the ten permanent so-called “Relocation Centers” that had hastily been constructed over the summer in Arizona, Arkansas, California, Colorado, Idaho, Utah, and Wyoming.¹⁰ The WRA assumed responsibility for the subsequent settlement and maintenance of the uprooted community in those camps, as well as, later in the process, the funneling of many of those deemed “loyal” eastward to new jobs and homes.¹¹

The WRA’s headquarters were two blocks north of the White House. There the agency’s director – for a few months Milton Eisenhower until he resigned, and thereafter Dillon S. Myer – supervised a staff of administrators, a great many of them poached from the Department of Agriculture’s Soil Conservation Service (SCS) and from the Bureau of Indian Affairs (BIA). Eisenhower and Myer were themselves Agriculture men; Eisenhower had most recently directed the Office of Land Use Coordination and Myer had most recently served as Assistant Director of the SCS. During the year 1942, the number two man at the WRA was E.S. Fryer, on leave from the superintendency of the vast BIA-administered Navajo reservation in Arizona, Utah, and New Mexico. And one of the WRA director’s closest advisers was the agency’s solicitor, Philip M. Glick, formerly chief of the Land Policy Division in the Office of the Solicitor at Agriculture. As solicitor at the WRA, Glick was responsible for all legal aspects of the agency’s functioning, including the development, publication, and revision of rules governing all aspects of the development and administration of the camps.

Much more important to the daily lives of the prisoners were the WRA officials stationed in the field. Each camp had a director responsible for all aspects of the camp’s operations; reporting to him (or, at some camps, to an assistant director) were heads of administrative

“sections” that dealt with one core component of operations – community management, agriculture, internal security, and the like. These were all white people, as were most if not all of the subsidiary WRA employees staffing these various sections.¹² However, it was inconceivable that this relatively small contingent of “appointed personnel” (as they referred to themselves) could meet the needs of communities of many thousands of people. The inmates themselves did much of the work--food production and service, fire protection, policing, health care, and countless other services--at paltry WRA salaries of between twelve and nineteen dollars per month.¹³ In a post-war self-portrait, the WRA asserted that it “recognized a definite obligation to make center life as decent and tolerable as it could be made within the framework of the established policies and all of the inevitable disruptions, shortages, and limitations.”¹⁴ It acknowledged that it had no choice but to “exercise a rather large measure of supervision--or at least veto power – over the community operations.”¹⁵ But it insisted that “the desires, beliefs, and attitudes of the evacuees, so far as they could be determined, were constantly taken into consideration and weighed”¹⁶ in the formulation and implementation of policy.

This self-serving assertion seems hard to credit, but is far from outlandish for an agency led by administrators steeped in the specific brand of colonialism practiced by the Bureau of Indian Affairs and the community-based approaches to policy-making of both that agency and the Department of Agriculture’s Soil Conservation Service.¹⁷ WRA officials recognized that their project was not without administrative precedent. Writing in 1946, two of the agency’s top lawyers acknowledged that “[a]dministrative agencies having functions rather similar to those of the War Relocation Authority so far as legal considerations are concerned are not uncommon.”¹⁸ “Any instance,” they argued, “in which a self-contained organization or group somewhat removed from the ordinary social controls is set up under authority of law presents a legal

situation comparable to that of a relocation center.” They cited state-run schools, universities, hospitals, asylums, and quarantine stations as examples. Distinguished anthropologist John F. Embree, the director of the WRA’s community analysis section, argued in 1949 that parallels to the WRA’s approach to self-government abounded in other contexts where “the American government has, or has had, a guardianship responsibility for dependent peoples.”¹⁹ Embree cited colonial ventures overseas--the U.S. Navy’s management of the civil affairs of Micronesia and the nearly five-decade-long American administration of the Philippines--as well as the domestic administration of American Indians’ affairs by the Bureau of Indian Affairs--as examples.²⁰

For the WRA, the BIA’s colonial management philosophies were an example very near at hand. The BIA not only loaned personnel to the upstart WRA in 1942 but initially administered two of the ten Japanese American camps, Poston and Gila River in Arizona, both of which were located on Indian lands.²¹ John Collier, the energetic Commissioner of Indian Affairs throughout the administration of President Franklin Roosevelt, eagerly sought the siting of these camps on Indian reservations (over the objections of the tribes themselves, it should be noted) not only because he believed the camps would make substantial permanent improvements to the land but also because he saw a familiar mission in the WRA’s task. He argued to the Secretary of the Interior that because of the BIA’s “long experience in handling a minority group,” the BIA was “better equipped than any other agency to provide for the Japanese” the type of treatment that would “make them more acceptable as members of the American population.”²²

Here Collier had in mind the strikingly new approach to government-Indian relations we now call the “Indian New Deal,” launched by the passage of the Indian Reorganization Act in 1934.²³ Collier ended the decades-old autocratic administrative approach of his predecessors,

which had sought the extinction of native identity, culture, and governance through, among other things, the evisceration of tribal governance systems, the forcible allotment of tribal lands to individual Indian owners, and the prohibition of indigenous cultural and religious practices. In place of this scorched-earth approach, Collier's Indian New Deal sought to protect and revive native cultures by reversing allotment in favor of collective land ownership, ending prohibitions of Indian cultural and religious practices, and restoring autonomous governing power to the Indian tribes under the (theoretically) light guiding touch of a BIA superintendent.²⁴ This new approach sprang not just from Collier's own early, much-romanticized experiences with the Pueblo Indians,²⁵ but also from his study of colonial administration around the world, including particularly the British experience.²⁶ His study left him persuaded of the virtues of "indirect rule," an approach to governance in which the colonial power administered the colonized peoples by relying on and even strengthening certain colonizer-preferred institutions of local governance, be they monarchs, kinship systems, or councils, rather than imposing rule through direct order and subjugation.²⁷ Through indirect rule the colonial power eased the dependent peoples toward "modern civilization" and perhaps eventual independence, all the while protecting its own economic and strategic interests. Much of the Indian New Deal was grounded in this principle, one that Felix Cohen, the Indian New Deal's brilliant legal architect, unabashedly termed "Colonialism: A Realistic Approach" in 1945.²⁸

The opportunities for influence of the BIA model on the WRA's development of its camps' community structures were many. John Collier himself sought significant input in the spring of 1942 when he successfully lobbied WRA director Milton Eisenhower to place nearly a quarter of the uprooted people under BIA management at Poston and Gila River. A prominent BIA administrator, S.E. Fryer, served as Deputy Director of the WRA and ran its important

western regional office in San Francisco into 1943. And perhaps most importantly, the BIA-administered Poston Relocation Center was something of a model for the other WRA camps. It was the second of the ten permanent camps to open, in April of 1942 when construction on eight of the nine others had not yet even begun. Administrative policies piloted at Poston in the summer of 1942 were available as templates for other camps when they opened in the late summer.and

Even closer in reach than the BIA's administrative strategies were those of the units of the Department of Agriculture from which the WRA's top leadership came: the Office of Land Use Coordination and the Soil Conservation Service. These were but two of the many departments, offices, and agencies that came into existence within the New Deal Department of Agriculture to respond to the crises in farm production and pricing of the 1930s. Particularly as they developed after 1937, these offices and agencies "constituted radically innovative ways for the federal government to connect with local farmer-citizens," effectively organizing them "into institutions of local-national collective action" in order to "induc[e] them to alter their behavior, usually by changing their use of the land."²⁹ The WRA's top leadership--Directors Milton Eisenhower and Dillon Myer and Solicitor Philip Glick--had especially deep experience with the SCS-created Soil Conservation Districts, local collective-action units intended to encourage less erosive and more water-conserving land use by farmers. Largely the brain-child of Philip Glick, these districts were, in a meaningful sense, "a new form of local government" that brought together owner- and tenant-farmers to reform their approaches to land use with the assistance of experts at the local and national level.³⁰ The idea was to educate, persuade, and assist farmers in local communities to regulate their own affairs in new, conservation-friendly ways, but without the strictures of top-down regulation from Washington. The soil conservation districts featured

local conservation boards consisting of three democratically elected farmers and two state-designated SCS experts. This meant that federal erosion control policy “would be administered not by a federal bureaucracy but by a decentralized, citizen-led unit of local government with regulatory powers.”³¹ Glick maintained that this system was based on “cooperative independence” – an intermixed “marble cake” of federal, state, and local influences rather than the conventional “layer cake” with a controlling federal force on top.³²

This review of some of the key administrative commitments of the BIA and SCS of the 1930s and early 1940s reveals a pattern of interest in fostering and nurturing community-level self-regulation. To be sure, neither agency ever contemplated surrendering a veto power, or a superior agenda-setting prerogative, in the areas of their responsibility. The BIA in particular, mired in a dismissive or uncomprehending colonial mindset toward its charges, had at best a checkered record of respecting the preferences and dignity of the peoples under its indirect rule.³³ Nonetheless, in their own minds even if imperfectly in practice, the leadership of the BIA and the SCS were making genuine efforts to break with the top-down administrative autocracy of the past in favor of a model that encouraged grassroots responsibility and dialogue between administrators and the communities with which they worked.³⁴

II. The WRA’s Unique Historiography

It is a curious aspect of the historiography of Japanese American removal and incarceration that scholars have approached the WRA’s project largely as an enterprise unto itself rather than as any sort of adaptation of the modes of administration its leadership knew so well. The literature on the WRA’s policies for and posture towards its charges has (with the exception of often self-serving accounts by the WRA and its top officials)³⁵ not been at all kind

to the agency, seeing it mostly as a top-down agent of unilateral federal control.³⁶ In his pathbreaking 1971 monograph “Concentration Camps USA: Japanese Americans in World War II,” Roger Daniels depicted the WRA as alternating between passive acceptance and active infliction of repression of its prisoners, under a veneer of efforts to “ameliorate the conditions”³⁷ they endured. He acknowledged that those “at the top of the WRA bureaucracy [had] been essentially on the liberal side of the American ideological spectrum” and “shudder[ed] to think what it might have been like” had others--presumably military agencies--been in charge. But Daniels’ story emphasized (indeed, even mentioned) only episodes when the WRA manipulated and dominated the Japanese American community – putting down what the agency termed “riots,” bunglingly investigating the loyalties of the internees and then punishing those who failed its test, and rooting out resisters to the military draft. This story substantiated Daniels’s contention that the WRA “execut[ed]” an “atrocit[ies].”³⁸ The WRA’s claims that the imprisoned Japanese American community controlled significant aspects of life were, according to Daniels, “propaganda.”³⁹ The majority of the administrators below the top echelon of the WRA “shared the contempt of the general population for ‘Japs’” which, he argued, produced “an unbridgeable gap between the Caucasian custodians and their Oriental charges.”⁴⁰ Those in the Japanese American community who reached across that gap, chiefly members of the hyper-patriotic Japanese American Citizens League (JACL), Daniels described as WRA “allies”⁴¹ engaging in a self-serving “collaboration”⁴² that much of the community condemned.

An equally influential monograph, “Years of Infamy,” published by former prisoner Michi Nishiura Weglyn five years after Daniels’s book, shared and even intensified this assessment of the WRA. According to Weglyn, WRA administrators showed “a pervasive tendency to look down on their charges as an untrustworthy, sinister, and morally inferior lot.”⁴³

The agency interacted with “the detainee population” through “JACL activists functioning as “liaisons.”⁴⁴

The nearest thing in the literature to a full history of the WRA, Richard Drinnon’s 1987 monograph “Keeper of Concentration Camps,” pushed well beyond the Daniels and Weglyn works in its characterization (one might say “caricature”) of the agency. Drinnon acknowledged “the undeniable truth that the WRA did not treat [Japanese resident aliens and Japanese Americans] with the harshness Congress, military and intelligence agencies, and perhaps a majority of American citizens thought fitting,”⁴⁵ but devoted his monograph to presenting the WRA’s work as “a story ... of human betrayal.”⁴⁶ The directors of the ten camps were, in Drinnon’s assessment, people who “indulged hidden psychological cravings for power and attention by keeping [their] wards in a state of childish dependence.”⁴⁷ “[T]he WRA never permitted inmates to rise to the level of the decision makers,” he wrote; “[t]hey were the objects administered.”⁴⁸ Only members of the JACL were allowed the “favor” of “shar[ing] the modicum of power WRA regulations allowed compliant inmates.”⁴⁹ The agency was “a huge detention and investigative machine”⁵⁰ in “the business of people-keeping.”⁵¹

The passage of time has somewhat tempered the scholarly assessment of the WRA. The most influential recent account, in Mae Ngai’s “Impossible Subjects,” depicts an agency interested less in controlling and crushing the Japanese American community than in reshaping it. On Ngai’s telling, the WRA did not implement but “complicated” the foundation of “simple racism” on which “internment rested.”⁵² WRA officials “did not believe that all Japanese were racially inclined to disloyalty” as did many military bureaucrats; instead “they practiced a kind of benevolent assimilation”⁵³ to produce cultural Americanism in the Japanese American community. The men of the WRA “believed they had an opportunity to turn an unfortunate

incidence of war into a positive social good” and so ran the camps as factories designed to produce Americanism through “democratic self-government, schooling, work, and other rehabilitative activities.”⁵⁴ They failed to see the racism and coercion backing their assimilationism, Ngai argues, and treated the camp inmates as “racial children in need of democratic tutelage,” but they did permit the expression of Japanese culture in religious and recreational activities⁵⁵ and confronted genuine challenges in attempting to manage a community that included Japanese nationalists and people with divided loyalties.⁵⁶ Ngai certainly presents a more nuanced and somewhat more benign administrative agency than Drinnon’s “detention and investigative machine” or Daniels’ practitioner of “atrocities.”⁵⁷

But even Ngai’s account depicts an agency that proceeded much more by decree than cooperation. WRA administrators, she reports, “did not have to negotiate with internees.”⁵⁸ The internees had “limited” power to organize themselves and “little power to enforce decisions made democratically amongst themselves.”⁵⁹ They took from the WRA’s program what they wanted and “ignored or resisted”⁶⁰ what they did not think was in their interest, such as the WRA’s support for community self-government.⁶¹ Even for Ngai, the WRA and the community it administered stood fundamentally apart from each other, with the WRA in the role of a (sometimes) benevolent dictator. WRA policies confronted the prisoners with two essential choices: compliance or resistance.⁶²

All of these accounts of the WRA have merit: There are ample grounds for criticizing its engagement (or lack of engagement) with the population it confined and administered. In conceiving of itself as the beleaguered Japanese American community’s protector and advocate, the agency was often blind to its capacity to manipulate, punish, disrespect, and mistreat that community or segments of it. It is these episodes of blindness on which the literature has

universally focused: the harmful mishandling of uprisings at the Poston and Manzanar camps late in 1942, the contentious and damaging loyalty screenings the WRA undertook with the Army in 1943,⁶³ the agency's persecution of young inmates who resisted the draft, its dogged efforts to persuade and even drive its charges to "relocate" out of the camps to unfamiliar terrain in the country's interior. These WRA policies the literature has quite rightly condemned. But these episodes cannot function as a complete data set for understanding the agency in its countless regulatory interactions with the Japanese American community.

III. The Project Attorney and Community Governance at Heart Mountain

The carefully documented work of a key camp administrator, its project attorney,⁶⁴ expands the historical record and complicates the prevailing scholarly narrative. The project attorney at each camp, including of course the Heart Mountain Relocation Center, was responsible for three kinds of legal services. First, he⁶⁵ "was responsible ... for all legal advice and assistance to the project director and the center staff."⁶⁶ Second, "he rendered all necessary legal services to the various evacuee organizations,"⁶⁷ including the community council, the judicial system, the camp's business enterprises and recreational associations. And third, the project attorney "was available to all evacuees for assistance in their individual legal problems."⁶⁸ A postwar WRA-authored account of the agency's legal work summarized the project attorney's role aptly: "his was the combined role of Government lawyer, city attorney, and private attorney to an evacuee population of from 5,000 to 17,000 persons."⁶⁹

The term "city attorney" might seem an odd designation for a lawyer serving what was in effect a prison surrounded by barbed wire and guard towers, but it is accurate. By the time the Heart Mountain Relocation Center reached its maximum population of 10,767 late in 1942, it

was Wyoming's third largest population center, dwarfing the nearby towns of Cody (population: 2,536)⁷⁰ and Powell (population: 1,948).⁷¹ Prisoners lived as families or as individuals in tightly-packed rooms in 468 wood-framed, tarpaper-covered barracks.⁷² Additional barrack-type buildings housed mess halls, latrine and laundry facilities, schools, a hospital complex, recreation and commercial facilities, administrative offices, and other community services. The camp also included about 1,000 acres of agricultural land that helped supply the community with food. The army patrolled the exterior boundaries of the camp and its entry gate, but the WRA was responsible for the entire area inside the boundaries. All of the services a city typically supplies were needed at Heart Mountain: policing, fire protection, transportation, education, sanitation, recreation, social and family services, and many others. Heart Mountain's Project Attorney truly was, among many other things, the city attorney for this very unusual city.

Not long after the camps opened, WRA Solicitor Philip M. Glick ordered all project attorneys to submit to him (and copy each other on) a weekly narrative report documenting their experiences of the prior week in order to "come as close as possible to giving the Solicitor an adequate and clear picture" of the legal work going on at the camps.⁷³ He directed the lawyers to describe "assignments received, work completed, work in process, new developments, the more important or significant conferences, significant developments or prospects at the relocation center, significant news items," and other "appropriate" information.⁷⁴ He also committed to responding to each and every report and distributing his replies across the whole network of project attorneys. After the war, Glick praised this system not just for providing "a broad, frequent, two way channel of communication that ensured adequate supervision, ... coordination, and a basis for judging the attorneys' understanding of [WRA] objectives and their effectiveness"⁷⁵ in working with other administrators, but also for the "spirit of camaraderie"⁷⁶

that this web of communication engendered among the agency's lawyers. Today we might praise it for an additional reason: it generated, for our review, thousands of pages of lawyers' contemporaneous reflections on how they implemented WRA policies and engaged with other administrators and the Japanese American community. These letters offer the historian an unparalleled on-the-ground view of the WRA's "field" legal work.⁷⁷

At Heart Mountain, three lawyers successively occupied the position of permanent project attorney: Jerry Housel, John McGowen, and Byron Ver Ploeg. All three were young--in their 30s--and none had extensive experience as a government lawyer.⁷⁸ Housel and Ver Ploeg had experience as private practitioners and McGowen as an academic. They were men of the Midwest and Mountain West, not Washington-seasoned bureaucrats.⁷⁹

For the purposes of this article, the most important of the three is Housel. He was the first of the lawyers in the position and therefore had an outsized role in the development of Heart Mountain's policies and institutions. He was just thirty years old when he arrived at the camp in December of 1942. He held a law degree from the University of Wyoming College of Law and a Ph.D. in international affairs from American University. Before joining the WRA's legal staff, he had practiced law in Laramie, Wyoming, worked in the office of one of Wyoming's U.S. Senators, and worked on the legal staff of the Federal Trade Commission. He was the son-in-law of the mayor of one of the camp's neighboring towns, a relationship that must have caused him discomfort when the surrounding communities spoke out against the internees and WRA policies, which they did with some frequency. Housel seems to have had pleasant interactions with the internee community, distinguishing himself by taking Japanese lessons from his secretary and greeting older internees with "konnichiwa" in place of "hello, how are you?"⁸⁰

Housel and his successors had occasion to counsel three Heart Mountain community organizations, all of them central to the life of the imprisoned community. One was the Heart Mountain Community Council, the community's body of self-government. A second was the Heart Mountain Judicial Commission and its subsidiary, the Preliminary Hearing Board. These were the prisoner-led bodies that processed criminal proceedings against alleged violators of camp rules and regulations. The third was the Heart Mountain Community Enterprises, which was the corporate entity that ran the system of retail and service shops providing the prisoners with goods and services ranging from ice cream cones to haircuts. As one would expect, even though these entities were made up of and led by camp residents, none of them existed outside the reach of WRA supervision and control. The Judicial Commission and the Community Council "reported," as it were, directly to Heart Mountain's Project Director, while the Community Enterprises answered to the head of the WRA's Community Activities section at Heart Mountain (who in turn reported to the Project Director). As a practical matter, representatives of all three of the organizations often came to the project attorney (rather than their nominal superiors) for advice and assistance in organizing and running their operations. As a consequence, letters from the project attorney to the solicitor at WRA headquarters are rich with reports of the lawyers' encounters with these organizations and their internee leaders. What the correspondence reveals is that these entities enjoyed a notable degree of independence from WRA control in structuring themselves and that the camp's WRA leadership proved willing to make significant accommodations to certain of their basic judgments and preferences.

A. The Heart Mountain Community Council

From its earliest moments, the WRA recognized the importance of internee self-government. In a May 29, 1942 policy statement, issued before most of what would become the

permanent camps were even under construction, the agency emphasized that those “responsible for local interpretation of Authority policy” in the camps should place “the greatest possible reliance on the evacuees in the administration of community affairs.”⁸¹ However, the WRA did not manage to produce a final statement of policy on community government until the end of August 1942. The delay had partly to do with the extraordinary press of business that summer, but it also stemmed from internal disagreement about several key aspects of the policy: Should the WRA decree a highly specific, one-size-fits-all community government structure for all of the camps or leave the design of the government structure to each community to work out? What should the ambit of a community government’s authority be? And most controversially, should office-holding in community government be reserved to the second-generation American citizens (“Nisei”), or opened to the non-citizen immigrant generation (“Issei”) as well?⁸² The May 29 policy statement took the position that the Issei should be barred from holding offices, but the point remained a subject of hot debate within the WRA throughout the summer.

The August policy statement resolved these questions, or at least purported to do so. Each camp desiring community government⁸³ would have a community council and a judicial commission, but the communities would be left considerable freedom to devise their structures and procedures. The councils’ ordinance-making powers would be subject to veto by the Project Director and confined to those matters of everyday camp operations delegated by the Project Director and criminal matters that did not amount to a state-law felony or were violations only of non-criminal WRA or council regulations.⁸⁴ Above and beyond these regulatory and adjudicatory functions, the WRA hoped that the community councils would serve as “two-way channel[s] of communication”⁸⁵ between camp administrators and the imprisoned communities. And on the most sensitive question, about Issei office-holding, the WRA resolved to continue its

earlier policy: only the Nisei could be elected to the council. The Issei would be ineligible even though they were the senior members of a community that prized and deferred to its senior members. Supporting this policy were a belief that the office-holding in the camps should, as a democratic example, be off limits to non-citizens just as it was in other American communities and a concern that aliens on the councils could shift power “to those who were not in sympathy with the objectives of the [War Relocation] Authority or with the war effort.”⁸⁶

Of course, while top WRA administrators in Washington were formulating these plans, time was not standing still. The camps were springing up and trains were delivering the inmate population to them. Unlike the camps, the community charters envisioned by WRA regulations could not simply spring up. They would need to be created by elected internee charter-drafting commissions and put up for community approval as well as endorsement by Project Directors. In the meantime, the camps would not run themselves. The WRA recognized that temporary councils and judicial commissions would need to be assembled in the camps to work with administrators and the imprisoned communities.⁸⁷ These temporary councils and commissions would come into being more spontaneously and organically, and would last only until their communities elected their permanent, charter-authorized replacements.⁸⁸ They too, as a matter of WRA policy, would be open only to Nisei.⁸⁹

The correspondence of Heart Mountain’s first project attorney, Jerry Housel, reveals a rather different set of circumstances on the ground than national WRA policy called for, and a lawyer sometimes more interested in countering and tempering national policy than in implementing it. Housel arrived at Heart Mountain to take up the role as its project attorney in November of 1942 after serving for several months as Regional Attorney in the WRA’s Denver office. In his capacity as Regional Attorney he both worked closely with the Solicitor’s office in

Washington on the development of WRA policy and kept tabs on Heart Mountain through brief visits. It is therefore likely that Housel arrived with a clear understanding of the WRA's policies on Issei and Nisei participation in community government. The situation that confronted him there, though, was not entirely in line with WRA policy. Two governance groups were up and running. One was a temporary council of elected representatives from each of the camp's twenty residential blocks. This council met daily with the WRA officials running the camp and concerned itself with questions of camp organization and operation. All twenty of these elected temporary council members were Issei.⁹⁰ Running alongside the temporary council was a group of appointed block managers who, unlike the members of the temporary council, were paid for their services. All of them were Nisei. Their concerns were supposed to be more practical--resolving problems of daily living--but they too sought to opine on broader policy questions, sometimes in conflict with the Issei council.⁹¹

Noting that "one of [his] main jobs while at Heart Mountain w[ould] be to help the evacuees in the organization of their government," Housel set to the task of helping the permanent charter organization commission "weld[] the two major interests," Issei and Nisei, "into a workable government."⁹² Thus, right from the start, Housel dedicated himself to preserving an Issei role in Heart Mountain's permanent government structure, formal WRA policy notwithstanding.⁹³ Housel saw "the older group" as being "made up of very intelligent people who have been extremely helpful to [the WRA management] in getting things done in the community,"⁹⁴ and saw no reason to disempower or disestablish the elected temporary council, even though its members were all non-citizens. The lawyer understood that WRA regulations barred Issei from running for positions on the permanent council that Heart Mountain's charter would eventually authorize, so he got creative. He proposed a bicameral council for Heart

Mountain, with a lower chamber of elected Nisei and an upper chamber of appointed Issei.⁹⁵ (WRA policy did not bar Issei from serving in appointive positions.⁹⁶) Measures would originate in the lower chamber of Nisei and then be passed up to the Issei chamber as a reviewing body. If the Issei chamber disapproved, the matter would return to the lower chamber, where the Nisei would have the chance to re-adopt the measure and then send it along to the Project Director for approval.⁹⁷ Housel favored writing the upper body into the camp's charter, rather than leaving it to the discretion of an elected (Nisei) council, because this would "give it a more definite and influential status."⁹⁸

Late in October of 1942, the WRA's solicitor disapproved Housel's two-chamber proposal, citing the risk of intensifying the Issei-Nisei conflict if the lower chamber were to, in effect, "override" the upper chamber's "veto."⁹⁹ For a few weeks after the rejection of his idea, Housel appeared to change his mind about the virtues of Issei participation in community government;¹⁰⁰ in a late November consultation with the organization commission he went so far as to conceal the draft charters of two other camps, Tule Lake and Granada, because they provided for Issei participation.¹⁰¹ But by December, as Housel continued to advise the organization commission on their efforts to craft a charter, he returned to championing Issei participation. Housel was in a position to see the political realities of the situation: he argued to headquarters that "the ... danger in ruling Issei out of the picture too far is that we may not get enough support among the evacuees to establish a popular evacuee government."¹⁰² As the intra-internee wrangling continued through the month of December, Housel warned that "the Issei are going to die-hard [sic] if no provision is made for them in the charter."¹⁰³

In mid-January of 1943, the organization commission finally managed to craft a draft charter that was acceptable to them and to Heart Mountain's Project Director. He forwarded it to

WRA headquarters for approval, but the solicitor's office identified a number of inconsistencies between the proposed charter and WRA policies, rejected it, and returned it to Heart Mountain for redrafting.¹⁰⁴ One sticking point at this stage was that the WRA's top officials in Washington were wavering in their opposition to elective office for Issei but were not managing to resolve the issue.¹⁰⁵ In this time of uncertainty about the policy, Project Attorney Housel once again took up the Issei cause, urging that resolution of the policy question should provide for "equal Issei-Nisei participation in evacuee government."¹⁰⁶ The charter redrafting process dragged into April of 1943, with continued uncertainty about the electoral status of Issei bogging the process down. Yet again Jerry Housel took up the Issei cause in his letters to headquarters. He pressed the point most strongly in a letter on April 9.¹⁰⁷ Housel wrote that while he understood the general public might react poorly to news that the WRA was allowing Japanese aliens in the camps to hold positions of power, he still believed that "equal Issei-Nisei participation in the council" was the most "practicable way of setting up a community council in the relocation centers." He reminded Washington that the majority of the voting population at Heart Mountain was Issei, not Nisei,¹⁰⁸ and the proportion of Issei to Nisei would rise further as more and more young and able-bodied Nisei began leaving camp for outside work under the WRA's "relocation" program. "[T]he successful administration of the centers," Housel argued, was "of at least equal importance" to public relations, and Issei participation was key to that success.¹⁰⁹

On April 19, 1943, Heart Mountain's project attorney got his way (as did other WRA officials and internees who had been pressing the same position) when the WRA officially amended its regulations to permit Issei to hold elective office in the camp governments.¹¹⁰ Housel wrote to the WRA Solicitor that with this development he was "hopeful that the

organization commission w[ould] now get busy and report a charter for the permanent evacuee government,” but he noted that by this point in the life of the camp, a full seven months after the internees arrived, there was “not a great deal of pressure for a new government.”¹¹¹ This was because the community was finding that the temporary council in place since shortly after the camp opened “ha[d] been doing a pretty good job.”¹¹² That temporary council, it must be remembered, was ninety-five percent Issei.¹¹³

The charter commission’s work dragged on until June 25, 1943, when WRA headquarters finally approved a revised charter of community government for Heart Mountain. It provided that Issei as well as Nisei could run for seats on the community council. The community voted to adopt the charter on July 17, 1943, by a two-to-one majority. Elections to the permanent council were held on August 11, 1943, a couple of weeks short of a full year after the camp opened. The community elected a majority of Issei to the permanent council.¹¹⁴ Only at that moment, after almost a year in existence, was the temporary council dissolved.

The ground-level view that the project attorney’s weekly reports open up on the creation of community government at Heart Mountain reveals two significant things. First, the broadly accepted story of Issei disenfranchisement that dominates the scholarly literature about the entire incarceration experience appears to need revision, at least for the Heart Mountain camp. That story has the Issei “withdraw[ing] ... from any significant public role” as WRA policy placed community leadership “in the hands of young, American-oriented Nisei,” and “withdr[awing] into an embittered but private disillusion.”¹¹⁵ Issei at Heart Mountain undoubtedly experienced much bitterness and disillusion in their lives behind barbed wire, but it was not because the WRA’s rules on office-holding stripped them of position and influence in favor of their children. There was not a time, from the camp’s opening to its closing, when Issei were actually barred

from election to the temporary and permanent councils, and in fact, they always held a majority of seats on those bodies.

The second striking thing in the correspondence about community government was the role the project attorney played as counsel to the temporary council and the organization commission framing Heart Mountain's community charter. On the crucial issue of who could serve on the community council, the lawyer did not see his job as counseling the community bodies toward compliance with national WRA policy. It was something closer to the opposite: he functioned more as an advocate for the internee community, or at least the sizable segment of it that wished to sustain rather than diminish Issei influence. Doing this did not require him to turn his back on the agency that employed him; in pressing for and creatively trying to devise an important role for Issei, he understood himself to be working towards the successful and peaceful functioning of the camp as a whole. This objective was certainly in the interests of another of his clients, the WRA managers of the camp. The project attorney's advocacy nonetheless showed surprising independence from national WRA policy as well as a greater attention to the interests of the imprisoned community than the literature would predict.

It is important to note what the project attorney's correspondence does not reveal about the WRA and the community council. According to the evidence he left behind in his weekly reports, Housel worked with internees on the creation of the council, a process that lasted a full year. Neither he nor his successors wrote much about what followed – how the council actually went about doing its work of developing ordinances, supervising internee community service bodies, and channeling information back and forth between the imprisoned community and the project director. Its day-to-day functioning and its role in the operation of the camp were products chiefly of its relationship with Heart Mountain's Project Director. And that was by no

means a relationship of equals; as the WRA itself admitted in a post-war self-study, the Project Director's primary goal was to secure order and compliance among his imprisoned charges, and to these ends all of the Project Directors at the WRA camps used "techniques includ[ing] persuasion, threats, coercion, passive inaction, compromises[,] and attempts to split the unity of the evacuee community."¹¹⁶ The evidence in the correspondence of the project attorney should not be misread as characterizing the entire relationship between the community council and the administrators.

B. The Heart Mountain Judicial Commission and Preliminary Hearing Board

The project attorney's correspondence gives a broader view of another key organ of internee self-government: the community's criminal justice system. This was a system that the project attorney not only helped design but also helped run. His observations reveal an internee-led judicial system on which administrators conferred an astonishing scope of discretion. With the permission and even assistance of the camp's administrators, the system became an island of criminal justice apart from that of the state in which it sat, shaped in many cases by the distinctive norms and preferences of the internee community it policed and served.

Both the WRA and the internee community recognized at the outset of the program that prison camps the size of small cities would confront the ordinary problems that bedevil any community, including criminality. The WRA's May 29, 1942 policy statement characterized "internal security" as initially the responsibility of a camp's Project Director, but as soon as possible, "the war-duration project government, established by the residents, w[ould] include arrangements for maintaining law and order ... [and] establish procedures for dealing with violations of the law and ... subject[ing] offenders to arrest, trial, and punishment."¹¹⁷

The Heart Mountain community took this policy statement seriously. Discussions about a judicial system began immediately after internees began arriving, and by early September, the fledgling community council established a temporary judicial commission to hear cases of internee misconduct.¹¹⁸ It appointed seven “older, substantial” men and two alternates as commissioners, most of them Issei; they were quickly confirmed by an overwhelming vote of the camp’s residential blocks.¹¹⁹ They named as their chairman the lone Nisei among them, Kiyochi Doi, who had practiced law in California before the war and, at age 44, was old for his generation. While the Project Director had ultimate authority for dispensing punishments and the power to try any case singlehandedly, his practice was to delegate virtually all criminal matters to the judicial commission for trial and a recommended sentence. These matters included violations of WRA regulations and community council ordinances as well as misdemeanors under Wyoming law, unless the Project Director elected to refer those to state authorities for prosecution. He had no such choice as to state-law felonies; those he was obliged to refer to the state.¹²⁰

Commission Chairman Doi was a commanding presence in the Heart Mountain courtroom, a converted barrack featuring a long bench for the commissioners, a witness chair, counsel tables, and bench seating for fifty to seventy-five spectators.¹²¹ Given to grandiose speeches and a fixation on minute details of procedure, Doi conducted the commission’s business so ponderously that the administration and community council agreed in early 1943 to create a grand-jury-like committee called the Preliminary Hearing Board to screen cases and decide whether to dispose of a matter quickly, refer it to state authorities, or refer it for trial before the judicial commission.¹²² This board consisted of three internees, one of them the chief of police, and three WRA administrators including the project attorney.¹²³ This dual system of

Preliminary Hearing Board and Judicial Commission worked well enough that the project attorney advocated for it strenuously over objections from WRA headquarters that it did not comply with official policy. His reason was that the system actually managed the difficult feat of fully engaging the community. “It is difficult to get the residents to assume primary responsibilities for many phases of center administration,” Jerry Housel explained. The judicial system was “an important responsibility of center administration which they have come to assume and to carry out with relatively little assistance or interference on the part of the administrative staff.”¹²⁴ On the strength of this defense, WRA Solicitor Philip Glick decided to allow Heart Mountain to continue to use its preferred structure even though it did not conform to agency regulations.¹²⁵

Heart Mountain’s first criminal case, a prosecution for assault, set a pattern that would prove to recur frequently. The case arose in October of 1942, about two months after camp opened, during a time when the WRA was struggling to provide adequate and satisfying meals to the imprisoned population.¹²⁶ The situation in one mess hall was particularly bad due to mismanagement by its former steward, a white WRA employee. A Mr. Takeda, one of the mess hall’s cooks, complained repeatedly about the food situation to George Kumagi, the assistant steward, but Kumagi said he could do nothing to improve things. Takeda, who was working 12- to 16-hour days in the kitchen, was bearing the brunt of the dissatisfied internees’ bitter criticism, and one day it became too much for him. He went into the mess hall, asked for a knife, tracked down Kumagi, and went after him with it. The fight was broken up before Takeda was able to do any damage with the knife.¹²⁷

At trial before the judicial commission, the internee prosecutor asked for the dismissal of the assault charges filed against Takeda by the camp’s internee police department. Kumagi, the

victim, did not wish to testify, the prosecutor explained, and the police report was in his view not of acceptable quality due to a delay in the investigation. Deliberating for fifteen minutes, the judicial commission ordered that the case be dismissed, subject to the Project Director's direction. This infuriated Mr. Griffin, the white chief of the WRA internal security section at Heart Mountain, who told the project attorney that it was "a farce from start to finish."¹²⁸ Commissioner Doi, he said, bungled the trial through "his highly formal and technical account" and what he saw as Doi's ignorance about criminal law and procedure. Griffin complained that policing would be impossible if the internees came to believe that the commission would not "uphold law and order."

Surveying a number of internees, however, the project attorney found general community satisfaction with the outcome. In the view of his informants, Takeda was suffering from overwork, he didn't actually injure Kumagi with the knife, and, perhaps most importantly, "some action to correct the food situation was justifiable."¹²⁹ The dismissal of the charges, in other words, conformed to community sentiment, including its perception about camp conditions and their impact on individuals. There is no evidence that the Project Director disturbed this (or, for that matter, almost any other) verdict, and so the first serious crime at Heart Mountain, a knife assault, went unpunished.

This lenient and context-sensitive approach to crimes of violence characterized the work of Heart Mountain's judicial commission throughout its nearly three-year existence. A few examples will illustrate the point. At the end of February of 1943, a 17-year-old named Omar Kaihatsu and a 19-year-old named Yukio Kimura did something that was against the rules but that many teenagers did: on an evening when steak was being served, they went to the mess hall in a block other than their own and tried to get in for a second meal.¹³⁰ A man named Yoshio

Teruya was checking people at the door and told them abruptly that they could not come in. Kaihatsu and Kimura, upset at being turned away, said they were going to “get” Teruya later. Teruya decided to go to the young men’s barracks to explain himself and apologize for his abruptness. Kaihatsu and Kimura responded by beating him up.

This seemingly small conflict took on exaggerated proportions in the community because Teruya was from the farming area of Santa Clara and Kaihatsu and Kimura were Los Angeles urbanites; these two groups mistrusted each other and often clashed. The Santa Clara group became incensed when Kaihatsu and Kimura were released into the custody of their block manager pending trial and gathered angrily at the police station to protest and threaten vigilante action against the young men. To protect them, administrators transferred them to the county jail in nearby Cody, where they spent a week awaiting trial before the judicial commission and, in attorney Housel’s words, “suffer[ing] considerably. When they came before the commission they pled guilty. As the community became aware of how unpleasant their stay in the Cody jail had been, sentiment shifted toward leniency for them. Even the leader of the group that had threatened vigilante action appeared at the sentencing hearing to ask for probation instead of jail time. The commission sentenced Kaihatsu and Kimura to five months’ probation for the assault and that ended the matter.

A much more serious assault stemming from what administrators called a “love triangle” took place at around the same time. Mrs. Takeko Terada, while married to Mr. Wasuke Terada, had an affair in camp with a man named Mr. Masao Yamate. When Yamate flagrantly ignored repeated warnings from Terada to stay away from his wife, Terada and his brother paid Yamate a visit in his barracks and tried to force him to sign a note admitting that he had caused the trouble in the Terada household and promising that he would break things off with Mrs. Terada and do

nothing to alienate the Terada children's affections toward their father. Yamate refused and a struggle ensued. With Terada's brother holding Yamate, Terada grabbed a piece of steel and struck Yamate with it over the head, wounding him deeply. Yamate required an immediate blood transfusion and it was uncertain for weeks whether he would survive. He was paralyzed in one arm and was virtually unable to speak.

Upon hearing about the crime, WRA Solicitor Philip Glick immediately wrote to the Heart Mountain project attorney Housel to suggest that "this case might well be one of the sort that ought to be referred to outside authorities for prosecution" regardless of whether the victim Yamate died because the case was an "extremely serious" one.¹³¹ Failing that, Glick opined, the Project Director should hear the case himself rather than referring it for trial to the judicial commission.¹³² Nonetheless, Heart Mountain's Preliminary Hearing Board voted to refer the case to the judicial commission for trial on misdemeanor charges of aggravated assault and battery.¹³³ Project Attorney Housel defended that decision to his boss in Washington. "Sentiment in the center," he wrote just before the Hearing Board's decision, "appears to be entirely behind Terada as many of the people know the background of the whole case and are not sympathetic [sic] with Yamada's [sic] success in winning the affections of Terada's wife and children."¹³⁴ Just after the decision, Housel wrote to Glick that nearly all members of the administrative staff as well as the Preliminary Hearing Board thought the case should be "tried in the center."¹³⁵ Housel acknowledged that the offense was serious, but pointed out that "a good number of the residents know the background and history of the entire case and they do not feel Terada is seriously at fault."¹³⁶ Indeed, he noted, a group of internees had just filed a petition with the judicial commission requesting leniency for Terada. Housel won the battle with headquarters and the case stayed with the judicial commission.

The trial of the Terada brothers took place over four or five days at the beginning of May, 1943, with the spectator gallery packed and internees “h[anging] their heads in the windows to follow the proceedings.”¹³⁷ Due to the significance of the case, the members of the judicial commission conferred with the Project Director before announcing a verdict and sentence. They agreed that Terada should be found guilty and his brother not guilty. They also agreed on a sentence for Terada of 30 days’ imprisonment with 15 of them suspended. When the judicial commission announced this judgment in open court, they told the community that their verdict had the unanimous concurrence of all of the commissioners, the Project Director, and Project Attorney Jerry Housel. Fifteen days’ imprisonment for a crippling blow to someone’s head might seem a rather light sentence, but Housel noted in his weekly report to headquarters that it “was well received by the residents.”¹³⁸

The judicial commission took a comparably lenient approach to prosecutions for illegal gambling, a crime that at times reached epidemic proportions.¹³⁹ The first major gambling prosecution came before the judicial commission in April of 1943 after Heart Mountain police staged a raid that caught ten members of a “gambling organization” that was functioning “on a rather high professional level” in “several barracks” across the camp.¹⁴⁰ The Preliminary Hearing Board directed that the ten men be detained in the Cody jail rather than released pending trial because of the seriousness of Heart Mountain’s “widespread gambling situation.” A few days later they appeared before the judicial commission to enter guilty pleas that their legal adviser had negotiated with that body.¹⁴¹ In exchange for their pleas, each would be given a suspended thirty-day sentence and allowed to make a \$15 contribution to the camp’s Community Activities trust in lieu of paying a fine.¹⁴² (The Community Activities trust was an internee-administered fund that supported recreational activities for the internee community.)

Project Attorney Housel was a bit unsure about the correctness of this procedure and so asked for advice from his superiors in Washington. He explained to them that “[e]veryone concerned feels that the procedure is a most beneficial one as far as the community is concerned,” vastly preferable to an alternative in which defendants would plead guilty to breach of the peace before a local Justice of the Peace in Cody and pay fines into the county treasury.¹⁴³ Headquarters agreed. In a reply to Housel, Acting WRA Solicitor Lewis A. Sigler called the approach “eminently sensible and practical” and said it was better for the defendants’ money to go to the Community Activities trust or “some other worthwhile purpose” in camp than for it to go to one of the local Justices of the Peace.¹⁴⁴

With the approval of the Solicitor’s office, this became the standard practice for gambling cases at Heart Mountain--guilty pleas, suspended sentences, and the payment of a few dollars into the community kitty. Only once did the procedure engender disagreement. In July of 1944, the police arrested fourteen gamblers and brought them before the judicial commission. The commission dismissed the charges against nine who were in the barrack room where the game was taking place but not actually playing and imposed assessments of \$3.00 on four of those who were actually gambling and \$6.00 on the fifth, who was a third-time offender.¹⁴⁵ This slap on the wrist “discouraged” the internee police department, who “had the feeling that their efforts were all in vain,” and so the Project Director refused to accept the verdicts and remanded them to the judicial commission for reconsideration.¹⁴⁶ On remand, the project attorney reported that the commissioners were “quite reluctant to change their decision” but upped the fine amounts to \$15.00 on the third-time offender and \$6.00 on the other four.¹⁴⁷ This the Project Director accepted.

Lest there be any uncertainty about the leniency of the criminal justice system that the internees created and ran with the assistance and approval of the WRA, two additional cases make the point with unmistakable clarity. In March of 1945, the Preliminary Hearing Board referred a number of criminal cases to Park County authorities for prosecution. One of them was an assault case in which Takamatsu Morinaga beat up Gyotoku Tokita. It is likely that the matter was referred to state authorities because that assault resulted, later the same evening, in Tokita's pursuing Morinaga and cutting him in the face with a knife.¹⁴⁸ This was a second offense for Tokita; presumably this is what led the Preliminary Hearing Board to send the case against him to state authorities and to send Morinaga's related assault of Tokita with it. Another of the cases referred at the same time was a gambling prosecution of nine operators of a gambling house. The Preliminary Hearing Board's reason for referring that case to state authorities is not revealed in the historical record.

The nine gamblers pleaded guilty in Wyoming District Court in Cody before Judge Percy Metz.¹⁴⁹ The judge began by commending Heart Mountain for its "fine record ... on the absence of crime." He also stated on the record that he would treat the gambling defendants in exactly the same way he treated white defendants. Because the normal fine in his court for participants of "a gambling game where a 'house' was involved" was \$75, Judge Metz sentenced them all to fines in that amount,¹⁵⁰ and warned them that he would give them "the limit of the law" if any of them came back before him for a second offense. Plainly, a fine of \$75 was a good deal heftier than the "voluntary contributions" of a few dollars gamblers were asked to make to the recreation department before the judicial commission. Similarly, when a Justice of the Peace handled the assault and battery charge against Morinaga for pummeling Tokita, he imposed a fine of 30 days in the county jail and a \$50 fine. Again, this is a far more punitive sentence than,

for example, the 15-day sentence the judicial commission had imposed on Wasuke Terada two years earlier for striking Masao Yamate on the head with a metal bar.

On rare occasions, criminal justice inside Heart Mountain could be tough. Tellingly, this was in the rare cases that the Project Director tried himself, where the internees' judicial commission was not involved. In one such case, Kumezo Tabuchi was tried for assault and disorderly conduct after repeatedly threatening Charles Oka, a member of the community council and someone the project attorney noted had "always taken a cooperative attitude towards the Administration."¹⁵¹ These threats occurred in a context where internee factions were mired in conflict with each other about a number of explosive issues concerning resistance to, or compliance with, various government objectives, including the draft of imprisoned Nisei into the Army.¹⁵² The Project Director, feeling, in the words of Project Attorney Ver Ploeg, that "it was time that definite and decisive steps were taken to see that threats and disturbances of this kind were stopped," sentenced Tabuchi to ninety days' imprisonment.¹⁵³ In another case, Yoneji Morita, who had been ordered to transfer to a different camp as part of a major WRA reshuffling of internees in September of 1943, refused to board the train. The Project Director tried Morita for the regulatory offense of violating an order of the Project Director. According to Project Attorney John McGowen, the camp director "did not dare grant leniency" and sentenced him to 90 days in the county jail.¹⁵⁴

It is difficult to absorb the idea that one Heart Mountain internee who violently assaulted his wife's lover with a metal bar would get 15 days' imprisonment while another would get 90 days for simply threatening another internee or refusing to get on a train. What appears to reconcile the two scenarios is that threats to a WRA-friendly community councilman and refusal to follow transportation orders directly challenged the WRA's operation of the camp system and

the Project Director's authority. Ordinary criminal conduct of one internee toward another did not. Thus, at least in matters not challenging WRA authority, it appears that the administration at Heart Mountain was willing not just to permit but to assist the internee community in enforcing moral standards that differed from those embodied in the law of the state in which the camp sat. As to what might be termed "everyday" criminality--crimes of violence, crimes against public decency and morality, and the like--the project attorney empowered the internee community to vindicate its own interests as it perceived them, at times over the objection of his superiors in Washington.¹⁵⁵ As with the Heart Mountain community council, the project attorney's correspondence about the camp's judicial commission reveals a different, more collaborative, and more deferential relationship between the administrators and the administered than the literature would predict.

C. The Community Enterprises

The administration and the internees engaged with each other a bit more combatively over the camp's commercial life than over the community council and the judicial commission, but the result was roughly the same. Despite the WRA's constantly stated preference that the internee communities at each camp should own and run the camps' various businesses as a cooperative corporation, at Heart Mountain this never happened. For a number of reasons the Heart Mountain community rejected the cooperative corporate form in favor of a trust, and the administration acceded to this preference. Indeed, the project attorney worked carefully with the trustees and other groups to help the business run as favorably for the internee community as the trust format would permit.

A fenced-in community of some ten thousand people needs dozens of kinds of goods and services in order to permit even the semblance of a normal life. Clothing must be bought, or fabric must be sold to those who prefer to make their own. Shoes must be repaired. Hair must be cut and styled. New babies require formula and blankets and diapers. Students and artists need paper and pencils. Parents want books and toys for their children. Most everyone wants the occasional diversion of a ticket to the movies. And these needs barely scratch the surface of a community's requirements. Heart Mountain, like the nine other camps, needed many kinds of businesses to serve the internees from the moment of their arrival.

Within three weeks of the opening of the camp, two canteens were already in operation, licensed under Wyoming law but with no legal form, and a third was in the works.¹⁵⁶ As of August 25, 1942, two weeks after Heart Mountain opened, WRA policy stated that "all community enterprises . . . , although under government supervision, w[ould] function on a cooperative basis with all profits becoming the property of the residents organized as a cooperative."¹⁵⁷ The WRA wanted all community businesses to function as part of a "consumers cooperative association, organized on Rochdale principles and incorporated under appropriate . . . laws" of either the state of incorporation or, if state law did not recognize a cooperative, of the District of Columbia.¹⁵⁸ Simultaneously the WRA banned the operation of any private commercial operations by internees.¹⁵⁹ According to two of the WRA's top lawyers, the agency deemed a monopolistic community-owned cooperative the best solution for the camps because it would "assure to all the evacuees [sic] an opportunity to have a participating interest in the enterprises, avoid unfair profit to some at the expense of the others, and provide limited liability" for those who served as the cooperatives' officers, board members, and employees.¹⁶⁰ WRA

officials also undoubtedly preferred the cooperative because of the prevalence of that business model in the programs of many New Deal agencies and states throughout the 1930s.¹⁶¹

At Heart Mountain, the early chances for a cooperative seemed good to the project attorney. In October of 1942, Jerry Housel reported to Washington that the internees were “taking a very active part toward organization of the Community Enterprises Cooperative,” and had been learning about various aspects of the functioning of a cooperative in study groups. They were “about ready to start with the legal organization,”¹⁶² he said.

Housel soon came to see that his optimism had been misplaced. In mid-November, he was invited to speak at a community forum about the idea of a cooperative. The audience peppered him with skeptical questions, revealing, in his eyes, that they did not understand the principle of a cooperative. “The great majority of evacuees in this center are suspicious of the whole plan for a cooperative,”¹⁶³ the lawyer related to headquarters. They “have the feeling ... that ... the WRA is trying to force a cooperative on them” and “apparently prefer that some system be worked out whereby a WRA employee can run the business and give the evacuees the lowest prices possible.” Housel admitted that he “couldn’t answer their questions very fully” and asked for advice from Washington.

That advice came in a letter from WRA Solicitor Philip Glick in mid-January. Glick ticked off a long list of reasons why an internee-owned cooperative was a better solution for the community than the other reasonable alternative, an unincorporated business trust: A cooperative would owe no tax on its income if it distributed patronage dividend refunds before year’s end. As a creature of statute, a cooperative would have clearer rules for its operation and management than a trust, and the leadership of a cooperative would face fewer vexing management problems, including challenges to their own authority. Because members of a

cooperative have more control over the organization than do the beneficiaries of a trust, a cooperative would respond better to their needs and they would have a stronger incentive to learn about the business. Finally, Glick explained, because cooperatives are better understood than trusts in the commercial world, they would have an easier time doing business with third parties, including, for example, banks from which they might seek loans. Glick predicted that once the Heart Mountain community came to understand these advantages, their “reluctance” would “disappear,” as was happening at many of the other camps.¹⁶⁴

Glick’s optimism was as misplaced as Housel’s had been a few months earlier; the community’s reluctance did not disappear but grew. From the WRA’s perspective, an internee-owned business cooperative would be an independent revenue-generating vehicle not unlike other businesses (such as dairies or construction companies) with which it contracted. It therefore blithely proposed to charge rent for the barrack space housing the cooperative’s stores and to make the cooperative use its own funds to issue its employees the clothing allowances that the WRA itself paid for all other internees.¹⁶⁵ Although these arrangements took root at the other camps, at Heart Mountain they struck many in the imprisoned community as adding insult to injury. In addition, perhaps because it involved the internees’ own money, the issue of the community’s business activities surfaced mistrust, jealousy, and division in the community like almost no other issue. Two rival factions coalesced around the question of the cooperative--one favoring it and the other opposing--and they fought bitterly with each other for months in 1943, stringing the issue along, tying it up in procedural knots, and preventing resolution.

While the debate dragged on, the many community businesses could not continue to exist outside any legal framework, and so the project attorney worked with community representatives and other WRA administrators to hammer out the terms of an internee-controlled business trust.

This too proved treacherous, with pitched battle over everything from how to select the committee that would have the power to determine the trust's terms, to how to select the trustees, to whether the trustees should be compensated, to whether employees of the trust should be permitted to sit as trustees, to whether the community council ought to have the power to investigate the trustees' management of the trust.¹⁶⁶ Arriving fresh in mid-1944, after almost two years of battle on the issue, new Project Attorney Byron Ver Ploeg naively imagined that "all sides [were] coming around to the viewpoint that 'cooperative' is the only answer."¹⁶⁷ But he soon came to see renewed flickerings of support for a cooperative as a gambit for control by one of the internee factions. The "two groups" were "at each other's throats," Ver Ploeg reported to Washington. "If either of the two groups ... were to sponsor a movement to incorporate the Community Enterprises," said the project attorney, "they would immediately be opposed by the other group," with "personalities rather than the merits of the questions ... dominat[ing] the issues."¹⁶⁸

And thus the community cooperative of the WRA's wishes never came to be. It was an embattled, recurrently revised trust that, over the space of thirty-eight months, provided some \$2.2 million in merchandise and services to the community and returned some \$260,000 in "refunds" to the community (in lieu of the member dividends that a cooperative would have paid).¹⁶⁹

The trauma of mass removal and prolonged detention, and the resulting suspicion with which a great many in the community regarded the WRA, undoubtedly played a role in the community's rejection of the cooperative at Heart Mountain.¹⁷⁰ It bears mention, though, that throughout the process the project attorney sought to assist the community in devising the best-functioning and most advantageous possible arrangement, even if it was not the cooperative that

the WRA preferred. Early on, when a cooperative still seemed potentially palatable to the community, Jerry Housel traveled the over 400 miles from Heart Mountain to Cheyenne, Wyoming, to lobby the governor and the legislature for changes to the state's statute on cooperatives that would benefit a Heart Mountain cooperative.¹⁷¹ The Heart Mountain project attorney drafted and re-drafted trust declarations as the preferences of the community shifted, in one instance proposing an "evacuee version" of the trust that he knew his fellow administrator, the director of business enterprises at the camp, did not like.¹⁷² The project attorneys frequently advised the community enterprises trust on whether and how it could make charitable donations.¹⁷³ In one lengthy series of exchanges with the home office, the project attorney quixotically pressed to designate the trust's taxable "sales" of goods to internees as a non-taxable pass-through of goods at wholesale, with the trust functioning as the internee's agent. The WRA's solicitor in Washington saw the lawyer's efforts at sparing the Heart Mountain community from taxation as "interesting" but unworkable.¹⁷⁴

Interactions between the imprisoned community and the WRA over the camp's business enterprises were much pricklier than those over the judicial commission or the question of Issei representation in community government. But the larger pattern was quite similar: Heart Mountain's internees, often with assistance from the project attorney, managed to reach forms of accommodation with the WRA that defied the agency's national policy preferences. In these settings, the WRA's lawyer on the ground acted not so much as an instrument of coercion but as an instrument of mediation in which he often played the role of advocate for the community's interests.

It is important to emphasize what these data drawn from the records of the Heart Mountain Project Attorney's Office do and do not permit us to say about the nature of the

relationship between the WRA and its prisoners on matters of community structure and governance. The data are from just one camp, Heart Mountain, and should not be assumed to characterize relations at the other camps. The data do not capture the full range of the project attorney's legal practice at Heart Mountain, but focus on the office's work with just three (arguably the most prominent three) of the major internee organizations – the Community Council, the Judicial Commission, and the Community Enterprises.¹⁷⁵ Finally, the data reflect the perspective of only one participant in the events--the project attorney. There is no doubt that detailed recollections of various Issei and Nisei participants in these specific interactions around the judicial commission, community council, and business enterprises--if such detailed recollections existed--would differ in important ways from the lawyer's (and likely from one another's).

Even with these key caveats, however, the Heart Mountain Project Attorney's records suggest a more deferential and negotiated relationship between the agency and its wards than the prevailing narrative would suggest. On important matters of community organization and administration at Heart Mountain, internees were able to push away from the WRA's national policy preferences, often with the assistance of the agency's own lawyer on the ground.

D. The Question of Motive

What might have led the project attorneys at Heart Mountain--chiefly the first and most influential of them on policy matters, Jerry Housel--to support certain internee positions? Unlike Byron Ver Ploeg, whose letters to headquarters often revealed their author's sentiments, Housel rarely disclosed private thoughts or feelings in his correspondence, so his motives are largely a matter of inference and speculation. The most obvious source of Housel's posture towards the

community on governance matters was an orientation of receptivity to internee involvement in the WRA's overarching sense of mission. An emphasis on community involvement in governance, adjudication, and business affairs was no idiosyncratic preference of Jerry Housel's; they were broad agency-level policy commitments. However imperfectly realized, they were, perhaps due to the influence of trends within the Bureau of Indian Affairs and the Soil Conservation Service, stated values at the WRA. It should be expected, in such an environment, that a lawyer in the field would integrate those values into his understanding of his job to at least some degree.

Another likely influence on Housel was interpersonal. He had daily contact with the imprisoned community--something his superiors in Washington lacked--and this undoubtedly gave him a more direct and at times empathic view of the internee community and its preferences and divisions than the top WRA policymakers could have. He learned a few words of Japanese; he came to see the Issei as an "intelligent" and potentially helpful force in camp;¹⁷⁶ he voiced doubt to Washington about the necessity of building a perimeter fence around the camps and expressed the hope that the community could be given more freedom of movement.¹⁷⁷ In one letter he reminded headquarters that the internees "ha[d] been uprooted from their homes in a hostile atmosphere, gathered together in relocation centers behind barbed wire fences far from their former habitation," and were "every day having their property and life-time savings in the evacuated states taken away from them. In at least some contexts, his familiarity with and feelings for the community might have helped shape the positions he took.

Yet it is important not to push this interpretation too far. Familiarity can breed things besides compassion. Late in life, Housel looked back on the imprisonment of Japanese Americans as "the worst damned thing we ever did."¹⁷⁸ He said he "probably should've quit" his

job, and cited his moral discomfort with his work as his reason for leaving the WRA to join the Navy.¹⁷⁹ His correspondence, however, tells a somewhat different story. In the spring of 1943, Housel was thrust into the role of negotiating a resolution to a strike in the camp's motor pool by all of its Japanese American workers. The strike had been the product of simmering resentments among the workers about how the white leadership of the motor pool had been treating them; its specific trigger was a vicious fistfight between a Nisei worker and a white supervisor. Housel emerged from this mediation experience shaken, convinced that his intervention had "narrowly averted" a "crisis which would undoubtedly have resulted in calling the military police and probably bloodshed" and that Heart Mountain was "headed for an incident of major proportions."¹⁸⁰ Housel's prescription to Washington for averting such an "incident" was tough and cold. He argued, among other things, that it should be made easier for project directors to "get rid of trouble-makers on whom they are not able to obtain complete evidence [of misconduct]" by shipping them off, without charges, to an isolation camp.¹⁸¹ He also urged the WRA to "strictly prohibit" all "out-and-out Japanese activities" including Japanese dance, song, theater, poetry, penmanship, board games, and wrestling.¹⁸² All of these, he maintained, were "a potent influence for perpetuating Japanese influence and pro-Japanese sentiment among the evacuees in the center."¹⁸³ Within two weeks of writing these things Housel was gone. It seems likely that his departure stemmed less from moral discomfort than from fear of being present for a violent uprising led by internees who were, in his eyes, "troublemakers" and traitors who acted too "Japanese."¹⁸⁴

In the final analysis, it may be that Jerry Housel took the positions he did not chiefly out of compassion or ideology but rather out of his understanding of what his role called for. He was a city-attorney-cum-legal-aid-lawyer, shouldering all of the sometimes vexing and conflicting

day-to-day responsibilities those roles required in a remote location and without a law library. He did not have the luxury of thinking systematically and ideologically that the New Dealers at the helm in Washington enjoyed; he had tasks to complete and a restive community both to serve and help control. Dorothy Swaine Thomas, a University of California Berkeley sociologist who ran a multi-disciplinary study of the removal and incarceration of Japanese Americans while the program was ongoing, observed that the WRA's leaders "carr[ie]d the torch for the Japanese people, but always in abstract, idealistic terms without much understanding" of the problems being faced in the camps or of "what the people themselves really want." Policies were developed "partly in terms of this abstract idealism ... but almost never in terms of concrete problems met by actual individuals."¹⁸⁵ In dealing with questions of community governance, Jerry Housel and the other Heart Mountain project attorneys were actual individuals--lawyers--meeting concrete problems as lawyers do, looking for solutions that worked.

It should come as no big surprise that Heart Mountain's governance structures were a product of negotiation and accommodation rather than relentless agency coercion. With so many transplants from the Bureau of Indian Affairs and the Soil Conservation Service among the WRA's key staff, an instinct to site some power over the design and control of community governance in the affected community was an application of known administrative principles. The project attorney's practical and quotidian need to find workable solutions to specific problems often strengthened that WRA commitment, even if it meant that the project attorney sometimes ended up deviating from or lobbying against the agency's national agenda.

Of course, none of this is to suggest that the inmate community ever felt itself to be--or actually was--an equal bargaining partner with the agency holding it captive. It was not. Notwithstanding its selective empowerment of community governance structures, indirect

colonial rule is ultimately a form of colonial control. There is no mistaking who holds the ultimate power in such a system. This was true for native tribes under the Indian New Deal just as it was for Japanese Americans under the WRA. It is nonetheless important to observe that ultimate power does not always lead to governance through ultimatum – and that comparative powerlessness does not always leave compliance or resistance as the sole options.

IV. Conclusion: Reconsidering the WRA

These insights from the work of Heart Mountain’s project attorney leave the historiography of the WRA in something of a perplexing spot. The standard scholarly narratives would have it that the agency was either a tough and coercive enforcer or, in the more recent literature, a mostly callous structure that made the key decisions and left inmates to choose between compliance and resistance. Yet the literature makes clear that this was not the model of community interaction that prevailed at the BIA or at the Department of Agriculture, whence the WRA’s leadership came. Moreover, the literatures of other wartime captivities have tempered some of the rigidity of earlier depictions of captor-captive relations in favor of subtler accounts of negotiation and accommodation. For example, the literature on civilian internments in the Far East during World War II has seen an effort to move past the “resistance and triumphalism” themes drawn from captives’ narratives toward an appreciation of what might once have been derided as “collaboration” and is increasingly understood as “accommodation.”¹⁸⁶ Writing about a Japanese internment camp for Allied civilians in China, Jonathan Henshaw describes a “balancing act between captor and captive” that “stemmed from shared interest, pragmatism and the internees’ determination to make the best of a bad situation.”¹⁸⁷ Similarly, James Mace Ward’s painstaking study of a Japanese internment camp for Allied civilians in the Philippines

leads him to “contrast the collaborative character of [the camp] with how it has been remembered and studied” as a site of gritty resistance.¹⁸⁸ In these internment settings, what Philippe Burrin calls “structural” accommodation--the imprisoned population’s engagement with their captors around the need to create and manage important services--is to be expected.¹⁸⁹

Accommodation comes much closer than coercion to describing the governance relationships between the WRA and Heart Mountain’s internees as revealed in the project attorney’s records. What is especially intriguing about the Heart Mountain example is that it shows how accommodation ran in two directions. The just-mentioned studies of internment camps in China and the Philippines reveal how common it was for captives to engage with (rather than simply comply with or resist) the confinement rules of their captors. Heart Mountain saw that, but it also saw the inverse--captors adapting rules to at least some of the key preferences of the captives.

Burrin’s model of “structural accommodation” does not precisely capture the unique relationship that grew between agency and inmate at Heart Mountain around community government, criminal adjudication, and business. The accommodations struck between Allied prisoners and Japanese guards in internment camps in China and the Philippines were around the most essential of the community’s needs: shelter, heat, food. The possibility of improvements in the bare necessities of living was what motivated Allied internees to seek accommodation with their captors. At Heart Mountain, prisoners and administrators reached accommodation on matters that touched not on survival but on higher-order needs for community structure, public safety, and quality of life. This is not surprising, given that the WRA entered the relationship with a more benevolent and constructive (even if patronizing and often misguided) charge towards its prisoners than the Japanese guards in China and the Philippines held towards theirs.

The Heart Mountain Project Attorney's Office was one arm of an agency that the literature has documented as violating the rights of tens of thousands of people. But the literature has had relatively little to say about how the program actually unfolded on the ground--how mid-level administrators in the camps actually went about the daily tasks of making the system run and interacting with their charges. The standard narrative is one of coercion on one side and compliance or resistance on the other. The records left behind by the WRA lawyers at Heart Mountain should give us at least a moment's pause in accepting that narrative as a full and accurate characterization, and invite us to consider a more nuanced account of a New-Deal-inflected "indirect rule" marked by patterns of reciprocal accommodation.

¹ The phrase is almost entirely incorrect. The episode was not an instance of "internment," a process that can lawfully be applied to enemy aliens during a war, but was instead a form of detention without charges, unknown to the law, that was more like imprisonment. The episode also did not just touch "Japanese Americans;" about a third of those incarcerated were not Americans but Japanese resident aliens.

² See Executive Order 9066, February 19, 1942, 3 CFR 1092 (1943); "An Act to provide a penalty for violation of restrictions or orders with respect to persons entering, remaining in, leaving, or committing any act in military areas or zones," 56 Stat. 173 (March 21, 1942); *Yasui v. United States*, 320 US 115 (1943); *Hirabayashi v. United States*, 320 U.S. 115 (1943); *Korematsu v. United States*, 323 US 214 (1944); Public Proclamation 21, "Persons of Japanese Ancestry: Exemption from Exclusion Orders," December 17, 1944, 10 Fed. Reg. 53 (January 2, 1945); *Ex parte Endo*, 323 US 283 (1944).

³ For the reason noted in footnote 1 above, I will refer not to the "internment" but the "imprisonment" or "incarceration" of Japanese and Japanese Americans. I will refer to those

imprisoned with the word they use to refer to themselves--“internees”--as well as “inmates” or “prisoners.” I will not, however, refer to the camps as “concentration camps,” even though that is a historically authentic term used occasionally by everyone from the internees to President Roosevelt. Even at the time, the term’s use was contested because, in the eyes of some, it invited unjust comparison to the camps established by the Nazis in Europe to imprison, enslave, and murder Jews and others. Compare *Korematsu*, 323 U.S. at 230 (Roberts, J., dissenting) (asserting that the government’s preferred term of “relocation center” was “a euphemism for concentration camps”) with *ibid.*, at 223 (Black, J., for the Court) (“we deem it unjustifiable to call [the relocation centers] concentration camps, with all the ugly connotations that term implies”). Over the decades, as the horrors of the Holocaust have become more fully and widely known, the term “concentration camp” has come to be even more deeply associated with the Nazis’ various detention, slave labor, and death camps, all of which the Nazis administered with at very best a callous disregard for the wellbeing and survival of their inmates that characterized none of the WRA’s camps in the United States. I will generally refer to the WRA camps as “prison camps” or simply as “camps.”

⁴ The leading source is Peter Irons, *Justice at War* (Berkeley: University of California Press, 1983); a recent example is Roger Daniels, *The Japanese American Cases: The Rule of Law in Time of War* (Lawrence, Kansas: University of Kansas Press, 2013).

⁵ Only one feature of this administrative regime has drawn any scholarly attention: the bungling system the WRA and the military developed in 1943 to evaluate the internees’ loyalty. See, for example, Eric L. Muller, *American Inquisition: The Hunt for Japanese American Disloyalty in World War II* (Chapel Hill: University of North Carolina Press, 2007); Brian Masaru Hayashi,

Democratizing the Enemy: The Japanese American Internment (Princeton: Princeton University Press, 2004).

⁶ There was telephonic and telegraphic communication between headquarters and the camps, but these were typically reserved for urgent matters.

⁷ Executive Order 9066, 3 CFR 1092.

⁸ Executive Order 9102, March 18, 1942. 3 CFR 1123 (1943).

⁹ *Ibid.*

¹⁰ See Edwin Ferguson and Robert Leflar, "The Law of the Relocation Centers," *George Washington Law Review* 14 (1945-46): 564-600, 566. This list is slightly misleading; two of the ten Relocation Centers, Manzanar and Colorado River (Poston), initially went into service as Assembly Centers in March and April of 1942 and were converted to Relocation Centers when the WRA took control of them from the Wartime Civil Control Administration. See Jeffrey F. Burton, Mary M. Farrell, Florence B. Lord, and Richard W. Lord, *Confinement and Ethnicity: An Overview of World War II Japanese American Relocation Centers* (Washington, DC: National Park Service, 1999),

https://www.nps.gov/parkhistory/online_books/anthropology74/ce8.htm (Manzanar),

https://www.nps.gov/parkhistory/online_books/anthropology74/ce10.htm (Poston).

¹¹ See Ferguson and Leflar, "The Law of the Relocation Centers," 566.

¹² *Ibid.*, at 567.

¹³ The WRA would have preferred higher wage rates--at least early in the life of the camps, before it shifted its energies to persuading internees to leave the camps for jobs in the nation's interior--but public protest demanded that no internee be paid more than the \$21 per month paid

to GIs. See Michi Nishiura Weglyn, *Years of Infamy: The Untold Story of America's Concentration Camps* (New York: William Morrow and Company, 1976), 115.

¹⁴ United States Department of the Interior, *WRA: A Story of Human Conservation* (Washington, DC: Government Printing Office, 1946), 105.

¹⁵ *Ibid.*, at 185.

¹⁶ *Ibid.*, at 187.

¹⁷ The Bureau of Indian Affairs and the Soil Conservation Service were not the only New Deal Agencies that had an impact on the detention of Japanese Americans. As Jason Scott Smith documents in *Building New Deal Liberalism: The Political Economy of Public Works, 1933-1956* (Cambridge: Cambridge University Press 2006), 222-231, the Works Progress Administration had a significant hand in the construction and operation of the temporary Assembly Centers that housed Japanese Americans along the coast during the summer of 1942. This would be the WPA's last major undertaking before its demise at the end of 1942.

¹⁸ Ferguson and Leflar, "The Law of the War Relocation Center," 580.

¹⁹ John F. Embree, "The Indian Bureau and Self-Government," *Human Organization* 8 (Spring 1949): 11-14.

²⁰ See *ibid.* John Collier, the former Commissioner of Indian Affairs, disputed the accuracy of Embree's invocation of the War Relocation Authority as an analogy. See John Collier, "The Indian Bureau and Self-Government: A Reply," *Human Organization* 8 (Summer 1949): 22.

²¹ Poston was on reservation land of the Colorado River Indian Tribes and Gila River was on reservation land of the Gila River Indian Tribe. The BIA administered Poston and Gila River under agreement with the WRA throughout 1942, and in the case of Poston, all the way through

December of 1943. See Alison R. Bernstein, *American Indians and World War II: Toward a New Era in Indian Affairs* (Norman, OK: University of Oklahoma Press, 1999), 84.

²² *Ibid.*, 83 (quoting a memorandum dated March 4, 1942 from Collier to Interior Secretary Harold Ickes).

²³ June 18, 1934, c. 576, § 16, 48 Stat. 987.

²⁴ It goes without saying that the reality of the Indian New Deal for Native Americans differed significantly from the imaginings and aspirations of John Collier and his BIA team. The reform efforts failed to take root with some Indian groups, achieved at best mixed results with others, and ultimately “failed to endure because, in the last analysis, they were imposed upon the Indians, who did not see these elaborate proposals as answers to their own wants and needs.”

Graham D. Taylor, *The New Deal and American Indian Tribalism: The Administration of the Indian Reorganization Act, 1934-45* (Lincoln, NE: University of Nebraska Press, 1980), xiii. A more recent and much bleaker assessment of the results of the Indian New Deal can be found in the work of the anthropologist Thomas Biolsi. See, for example, Thomas Biolsi, *Organizing the Lakota: The Political Economy of the New Deal on the Pine Ridge and Rosebud Reservations* (Tucson: University of Arizona Press, 1998).

²⁵ See John Collier, *From Every Zenith* (Denver: Sage Books, 1963), 125-27.

²⁶ See Laurence M. Hauptman, “Africa View: The British Colonial Service and American Indian Policy, 1933-1945,” *The Historian* 48, no. 3 (1986): 359-74.

²⁷ See *ibid.*, 362-64.

²⁸ Felix S. Cohen, “Colonialism: A Realistic Approach,” *Ethics* 55, no. 3 (1945): 167-81, 167.

²⁹ Jess Gilbert, *Planning Democracy: Agrarian Intellectuals and the Intended New Deal* (New Haven: Yale University Press, 2015), 81.

³⁰ Ibid., 94.

³¹ Ibid., 95.

³² Id., 95; see also Philip M. Glick, “The Coming Transformation of the Soil Conservation District,” *Journal of Soil and Water Conservation* 22 (March-April 1967): 45-53, 48.

³³ See Taylor, *The New Deal and American Indian Tribalism*, 112; Thomas Biolsi, “‘Indian Self-Government’ as a Technique of Domination,” *American Indian Quarterly* 15 (1991): 23-28, 27 (arguing that under the Indian New Deal; “[t]he locus of power did not change; it remained in the BIA”).

³⁴ See *ibid.*, 149.

³⁵ See, for example, Department of the Interior, *WRA: A Story of Human Conservation*; Dillon S. Myer, *Uprooted Americans: The Japanese Americans and the War Relocation Authority during World War II* (Tucson: University of Arizona Press, 1971).

³⁶ A notable exception is the work of Lon Kurashige. See Lon Kurashige, “Unexpected Views of Internment,” in *Colors of Confinement: Rare Kodachrome Photographs of Japanese American Incarceration in World War II*, ed. Eric L. Muller (Chapel Hill: University of North Carolina, 2012), 103-16; and Lon Kurashige, *Perfect Storm of Exclusion: Asian Americans, Political Debate, and the Making of a Pacific Nation* (Chapel Hill: University of North Carolina Press, 2016).

³⁷ Roger Daniels, *Concentration Camps USA: Japanese Americans and World War II* (New York: Holt, Rinehart, and Winston, 1971), 102.

³⁸ Ibid., at 102.

³⁹ Ibid., at 105.

⁴⁰ Ibid.

⁴¹ Id. at 119.

⁴² Ibid., at 106.

⁴³ Weglyn, *Years of Infamy*, 117.

⁴⁴ Id. at 119.

⁴⁵ Richard Drinnon, *Keeper of Concentration Camps: Dillon S. Myer and American Racism* (Berkeley: University of California Press, 1987), 10.

⁴⁶ Ibid.

⁴⁷ Ibid., at 47.

⁴⁸ Ibid., at 44.

⁴⁹ Ibid., at 69.

⁵⁰ Ibid., at 74.

⁵¹ Ibid., at 40.

⁵² Mae M. Ngai, *Impossible Subjects: Illegal Aliens and the Making of Modern America* (Princeton: Princeton University Press, 2004), 177. Ngai's work is unquestionably the most recent *influential* work, but it is not the most recent. Deserving of greater attention is Lon Kurashige's provocative essay entitled "Unexpected Views of the Internment" in *Colors of Confinement*. Kurashige draws attention to the antiracism and tolerance for cultural pluralism in the WRA's program, as well as the agency's belief in the loyalty of the large proportion of its charges.

⁵³ Ngai, *Impossible Subjects*, 177.

⁵⁴ Ibid.

⁵⁵ Ibid., at 179.

⁵⁶ Ibid., at 180.

⁵⁷ The work of Greg Robinson shares much with Ngai's more reflective assessment of the WRA. Robinson convincingly depicts the WRA as a buffer against reactionary voices from the military and the congressional delegations and emphasizes the good faith in the agency's assimilationist policies. See Robinson, *After Camp: Portraits in Midcentury Japanese American Life and Politics* (Berkeley: University of California Press, 2012), 73; Greg Robinson, *By Order of the President: FDR and the Internment of Japanese Americans* (Cambridge: Harvard University Press, 2001), 192-99. Robinson also correctly notes that the WRA's administration of the camps was considerably "less invasive" than the military's operation of the temporary camps or "assembly centers" where Japanese and Japanese Americans were housed in mid-1942, immediately after their uprooting. Greg Robinson, "War Relocation Authority," *Densho Encyclopedia*, http://encyclopedia.densho.org/War_Relocation_Authority/. Robinson characterizes "the legacy of the WRA" as "mixed and evolving." See *ibid.*

⁵⁸ Robinson, *By Order of the President*, 181.

⁵⁹ *Ibid.*

⁶⁰ *Ibid.*, at 180.

⁶¹ See also A. Naomi Paik, *Rightlessness: Testimony and Redress in U.S. Prison Camps since World War II* (Chapel Hill: University of North Carolina Press, 2016), 20 ("Whether compliant or resistant, internees remained imprisoned ...").

⁶² Rita Takahashi's regrettably unpublished dissertation, "Comparative Administration and Management of Five War Relocation Authority Camps" (dissertation, University of Pittsburgh, 1980), also takes a considerably more nuanced approach to the WRA than the work of Daniels, Weglyn, and Drinnon. She helpfully notes the freedom that WRA officials at the camp level had in implementing headquarters-level policy judgments, and sees a range of internee responses

stretching from active cooperation to active resistance. However, the analysis is forcefully driven by a commitment to applying Amitai Etzioni's tripartite classification of the means of control within organizations, and the rigid focus on Etzioni's three categories of coercive, material, and symbolic control methods ends up producing more of a typology of camp officials' control strategies than a look at modes of interaction.

⁶³ In characterizing these investigations, the literature has depicted them as the undertaking of a monolithic government. In truth, the WRA approached the loyalty screening process more sympathetically to the Japanese American community, and with greater understanding of the distinction between cultural identity and security risk, than did the other agencies it worked with (and against). See Muller, *American Inquisition*.

⁶⁴ At all but one of the camps a succession of lawyers held the role of project attorney. Only at Gila River did a single lawyer, James Terry, man the Project Attorney's Office from start to finish. At Heart Mountain, three men held the permanent position between October of 1942 and December of 1945, with four others serving briefly as acting project attorneys while searches for replacements for departing attorneys were underway.

⁶⁵ The WRA project attorneys were, with one brief exception, all men. One woman, Mima Pollitt, served for about a month as project attorney at the Granada Relocation Center in Colorado in 1945.

⁶⁶ United States Department of the Interior, *Legal and Constitutional Phases of the WRA Program* (Washington, DC: Government Printing Office, 1946), 53.

⁶⁷ Ibid.

⁶⁸ Ibid.

⁶⁹ Ibid.

⁷⁰ Historical Decennial Census Population for Wyoming Counties, Cities, and Towns,
http://eativ.state.wy.us/demog_data/cntycity_hist.htm.

⁷¹ *Ibid.*

⁷² J. Burton et al., *Confinement and Ethnicity*,
http://www.nps.gov/parkhistory/online_books/anthropology74/ce6a.htm.

⁷³ Solicitor's Memorandum No. 10, Revised (December 2, 1942), Record Group 210, National Archives and Records Administration (hereafter NARA), Washington, DC.

⁷⁴ *Ibid.*, at 1.

⁷⁵ Department of the Interior, *Legal and Constitutional Phases*, 45.

⁷⁶ *Ibid.*, at 46.

⁷⁷ The project attorney correspondence cited in this article is housed in the War Relocation Authority collection of the Robert A. Leflar Papers in the Special Collections department of the University of Arkansas Libraries in Fayetteville, Arkansas (hereafter "Leflar Papers").

⁷⁸ The biographical information is from Jerry W. Housel, Obituary, *Powell (Wyo.) Tribune*, May 14, 2001, available at <http://powelltribune.com/news/item/5730-jerry-w-housel>; Rough Draft of footnote to McGowen's "Development of Polit. Inst. On the Public Domain," John McGowen Papers, American Heritage Center, Laramie, Wyoming; Brenton Ver Ploeg, e-mail message to author, November 18, 2015.

⁷⁹ Apart from their relative youth, these WRA lawyers "in the field" had little in common with the generation of liberal, ambitious, reform-minded, largely Ivy-League-educated New Deal lawyers so ably profiled in Peter Irons' monograph *The New Deal Lawyers* (Princeton: Princeton University Press, 1993).

⁸⁰ “Jerry Housel, Project Attorney,” *Heart Mountain Sentinel*, April 3, 1943.

http://archive.densho.org/ArchiveAssets/dao_text.aspx?&v=d&i=denshopd-i97-00122. “Jerry W. Housel” (obituary), *Powell Tribune* (Powell, WY), May 14, 2001.

<http://powelltribune.com/obituaries/item/5730-jerry-w-housel>.

⁸¹ War Relocation Authority, “War Relocation Authority Tentative Policy Statement” (May 29, 1942). http://digitalassets.lib.berkeley.edu/jarda/ucb/text/cubanc6714_box025c01_0002_2.pdf.

⁸² See U.S. Department of the Interior, *Community Government in War Relocation Centers* (Washington, DC: Government Printing Office, 1946).

<http://drc.ohiolink.edu/handle/2374.GODORT/22?value=Concentration%20camps%20United%20States&type=subject&ztype=subject&focusscope=2374.GODORT/1&mode=browse>; U.S.

Department of the Interior, *WRA: A Story of Human Conservation* (Washington, DC: U.S. Government Printing Office, 1946), 83-86.

⁸³ Community government was not mandatory; the WRA would not force a community to ratify or accept the government structure proposed by its elected representatives. See U.S. Department of the Interior, *Community Government in War Relocation Centers* (Washington, DC: U.S. Government Printing Office, 1946), 13.

⁸⁴ See *ibid.*, at 11-13; Department of the Interior, *WRA: A Story of Human Conservation*, 85-86.

⁸⁵ *Ibid.*, at 85.

⁸⁶ Department of the Interior, *Community Government in War Relocation Centers*, 7; see also Hayashi, *Democratizing the Enemy*, 108.

⁸⁷ See War Relocation Authority, “War Relocation Authority Tentative Policy Statement” (May 29, 1942).

http://digitalassets.lib.berkeley.edu/jarda/ucb/text/cubanc6714_box025c01_0002_2.pdf.

⁸⁸ See Ferguson and Leflar, *The Law of the Relocation Centers*, 588-89; Department of the Interior, *Community Government in War Relocation Centers*, 7.

⁸⁹ See Department of the Interior, *WRA: A Story of Human Conservation*, 84.

⁹⁰ Jerry Housel to Philip M. Glick, October 10, 1942, Leflar Papers; see also M.O. Anderson, Heart Mountain Relocation Center Community Government Final Report (undated).

<http://content.cdlib.org/view?docId=ft0d5n98jg&brand=calisphere>.

⁹¹ Housel to Glick, October 10, 1942, Leflar Papers.

⁹² Ibid.

⁹³ See “Make Plans for Self-Government System,” *Heart Mountain General Information Bulletin, Series 24* (October 10, 1942).

<http://archive.densho.org/Core/ArchiveItem.aspx?i=denshopd-i97-00094> (“In forming a permanent government the residents of the center should take into consideration the wisdom and counsel of the Issei group,’ Housel declared.”).

⁹⁴ Housel to Glick, October 17, 1942, Leflar Papers.

⁹⁵ Housel to Glick, October 10, 1942, Leflar Papers; see also Housel to Glick, October 17, 1942, Leflar Papers.

⁹⁶ See WRA Administrative Instruction no. 34, August 24, 1942.

<http://digitalcollections.lib.washington.edu/cdm/ref/collection/pioneerlife/id/16015>.

⁹⁷ Housel to Glick, October 10, 1942, Leflar Papers. Housel also described a somewhat more convoluted system of resubmission of an Issei-disapproved measure to the lower Nisei chamber in a later letter. Housel to Glick, October 17, 1942, Leflar Papers.

⁹⁸ Housel to Glick, October 17, 1942, Leflar Papers.

⁹⁹ Glick to Housel, October 22, 1942, Leflar Papers.

¹⁰⁰ Housel to Glick, November 17, 1942, Leflar Papers.

¹⁰¹ Housel to Glick, November 24, 1942, Leflar Papers.

¹⁰² Housel to Glick, December 3, 1942, Leflar Papers.

¹⁰³ Housel to Glick, December 16, 1942, Leflar Papers.

¹⁰⁴ See Anderson, "Heart Mountain Relocation Center Community Government Final Report."

¹⁰⁵ See Housel to Glick, February 25, 1943, Leflar Papers.

¹⁰⁶ Ibid.

¹⁰⁷ See Housel to Glick, April 9, 1943, Leflar Papers.

¹⁰⁸ While only one third of the camp's population was Issei, they were all of a generation that was old enough to vote. This was not true of the Nisei, the sizable majority of whom were children or teenagers.

¹⁰⁹ Housel to Glick, April 9, Leflar Papers.

¹¹⁰ See Department of the Interior, *Community Government in War Relocation Centers*, 50.

¹¹¹ Housel to Lewis Sigler, April 22, 1943, Leflar Papers.

¹¹² Ibid.

¹¹³ An election in March of 1943 had put one Nisei on the temporary council. The other nineteen members were Issei. See Anderson, Heart Mountain Relocation Center Community Government Final Report.

¹¹⁴ See *ibid.*

¹¹⁵ Douglas W. Nelson, *Heart Mountain: The History of an American Concentration Camp* (Madison, Wisconsin: State Historical Society of Wisconsin, 1976), 92.

¹¹⁶ Department of the Interior, *Community Government in War Relocation Centers*, at 71. It is well documented that the WRA often overruled actions taken or approved by community

councils in the camps, to the internees' understandable disillusionment and frustration. See Dorothy S. Thomas and Richard Nishimoto, *The Spoilage: Japanese-American Evacuation and Resettlement During World War II* (Berkeley: University of California Press, 1946), 44.

¹¹⁷ "War Relocation Authority Tentative Policy Statement."

¹¹⁸ See Anderson, "Heart Mountain Community Government Final Report;" "Temporary Court System Planned," *Heart Mountain General Information Bulletin Series 8* (September 11, 1942). <http://archive.densho.org/Core/ArchiveItem.aspx?i=denshopd-i97-00079>.

¹¹⁹ See Anderson, "Heart Mountain Community Government Final Report;" "Temporary Judges and Alternates Named," *Heart Mountain General Information Bulletin Series 10* (September 14, 1942), <http://archive.densho.org/Core/ArchiveItem.aspx?i=denshopd-i97-00080>; "Judges, Alternates Approved," *Heart Mountain General Information Bulletin Series 12* (September 17, 1942), <http://archive.densho.org/Core/ArchiveItem.aspx?i=denshopd-i97-00082>.

¹²⁰ Ferguson and Leflar, "The Law of the Relocation Center," 584.

¹²¹ Housel to Glick, October 17, 1942, Leflar Papers.

¹²² See Housel to Glick, December 31, 1942, Leflar Papers; Housel to Glick, March 11, 1943, Leflar Papers. Kiyochi Doi was a colorful figure. In his mid-40s during his captivity at Heart Mountain, the Hawaiian-born Doi had practiced law in Ogden, Utah, and Los Angeles, California before the war. Doi arrived at Heart Mountain before the camp had a project attorney and set up a legal aid office of sorts to assist the community. When Jerry Housel arrived as project attorney, Doi resisted efforts to shift the camp's legal business to Housel's office; the project attorneys suspected that Doi continued doing legal work for internees and charging them fees – without a Wyoming law license, which he surely could not have obtained – long after such private enterprise was forbidden. Doi suffered something of a public embarrassment when, after

several years of adjudicating gambling cases as chair of the Judicial Commission, he himself was picked up by Heart Mountain's internee police force in a gambling raid. See Byron Ver Ploeg to Edwin E. Ferguson, March 8, 1945, Leflar Papers.

¹²³ Anderson, "Heart Mountain Community Government Final Report."

¹²⁴ Housel to Glick, April 9, 1943, Leflar Papers.

¹²⁵ Glick to Housel, March 31, 1943, Leflar Papers; see also Sigler to Housel, April 17, 1943, Leflar Papers.

¹²⁶ See Mike Mackey, *Heart Mountain: Life in Wyoming's Concentration Camp* (Sheridan, Wyoming: Western History Publications, 2008), 40.

¹²⁷ The story of the crime and subsequent trial is relayed in Jerry Housel's weekly report dated October 17, 1942. See Housel to Glick, October 17, 1942, Leflar Papers.

¹²⁸ Housel to Glick, October 17, 1942, Leflar Papers.

¹²⁹ *Ibid.*

¹³⁰ The story of the Kaihatsu and Kimura case is told in three consecutive weekly reports by Jerry Housel. See Housel to Glick, March 4, 1943, Leflar Papers; Housel to Glick, March 11, 1943, Leflar Papers; Housel to Glick, March 18, 1943, Leflar Papers.

¹³¹ Glick to Housel, March 25, 1943, Leflar Papers.

¹³² Glick to Housel, April 6, 1943, Leflar Papers.

¹³³ Housel to Glick, March 25, 1943, Leflar Papers. Terada's brother was charged with simple assault and battery. See Housel to Sigler, May 6, 1943, Leflar Papers.

¹³⁴ Housel to Glick, March 18, 1943, Leflar Papers.

¹³⁵ Housel to Glick, April 1, 1943, Leflar Papers.

¹³⁶ *Ibid.*

¹³⁷ Housel to Sigler, May 6, 1943, Leflar Papers.

¹³⁸ Housel to Glick, May 13, 1943, Leflar Papers.

¹³⁹ See Housel to Glick, October 24, 1942, Leflar Papers.

¹⁴⁰ Housel to Glick, April 1, 1943, Leflar Papers.

¹⁴¹ Ibid.

¹⁴² Housel to Glick, April 9, 1943, Leflar Papers.

¹⁴³ Ibid.

¹⁴⁴ Sigler to Housel, April 17, 1943, Leflar Papers. When Irvin Lechlitter served as Interim project attorney at Heart Mountain for three months after Housel departed in June of 1943, he was outraged by this system of supposedly “voluntary” contributions to the Community Activities Trust in lieu of a fine, calling the payment a “shakedown” of the defendant. Irvin Lechlitter to Glick, July 8, 1943, Leflar Papers. After Lechlitter left, however, the practice resumed.

¹⁴⁵ Byron Ver Ploeg to Glick, July 14, 1944, Leflar Papers.

¹⁴⁶ Ibid.

¹⁴⁷ Ver Ploeg to Glick, July 27, 1944, Leflar Papers.

¹⁴⁸ See Ver Ploeg to Edwin E. Ferguson, March 22, 1945, Leflar Papers.

¹⁴⁹ Ver Ploeg to Ferguson, March 30, 1945, Leflar Papers.

¹⁵⁰ This sentence perplexed Project Attorney Byron Ver Ploeg, who noted in his report to headquarters that the statutory minimum sentence for a gambling offense in Wyoming was a fine of \$300. “I am not informed as to just how this statute is circumvented,” Ver Ploeg wrote, “but apparently this is another one of those cases where information concerning the law is not nearly as valuable as information concerning the practice in a particular locality.” Ibid.

¹⁵¹ Ver Ploeg to Ferguson, November 2, 1944, Leflar Papers.

¹⁵² See Eric L. Muller, *Free to Die for their Country: The Story of the Japanese American Draft Resisters in World War II* (Chicago: University of Chicago Press, 2001), 76-99.

¹⁵³ Ver Ploeg to Ferguson, November 2, 1944.

¹⁵⁴ McGowen to Glick, October 8, 1943, Leflar Papers.

¹⁵⁵ Donald Horn, serving very briefly as acting project attorney at Heart Mountain after the sudden death of John McGowen, noted in a report to headquarters in April of 1944 that “the members [of the judicial commission] overlook the seriousness of the[] assault and battery cases.” Donald T. Horn to Glick, April 3, 1944, Leflar Papers. In a letter on June 16, 1943, WRA Solicitor Philip Glick emphasized to Heart Mountain’s acting project attorney Irvin Lechliter “the need for sterner action by the Judicial Commissions and Project Directors, with more severe penalties.” Glick to Lechliter, June 16, 1943, Leflar Papers.

¹⁵⁶ *Heart Mountain General Information Bulletin Series 5*, September 5, 1942, <http://archive.densho.org/Core/ArchiveItem.aspx?i=denshopd-i97-00076>; Housel to Glick, December 22, 1942, Leflar Papers.

¹⁵⁷ *Ibid.*

¹⁵⁸ Ferguson and Leflar, “The Law of the Relocation Centers,” 598. The Rochdale Principles are the “[b]asic guidelines for cooperation and characteristics that distinguish cooperative organizations from other groups.” Jack Shaffer, *Historical Dictionary of the Cooperative Movement* (Lanham, Maryland: Scarecrow Press, 1999), 196. See also *ibid.*, at 44.

¹⁵⁹ War Relocation Authority Second Quarterly Report: July 1 to September 30 1942 (n.d.), http://www.trumanlibrary.org/whistlestop/study_collections/japanese_internment/documents/index.php?documentdate=1942-00-00&documentid=15&studycollectionid=JI&pagenumber=28.

¹⁶⁰ See *ibid.*

¹⁶¹ See Thomas N. Tyson and Richard K. Fleischman, "Accounting for Interned Japanese-American Civilians During World War II: Creating Incentives and Establishing Controls for Captive Workers," *Accounting Historians Journal*, 22 (June 2006): 167-202, 171-72; Derek C. Jones and Donald J. Schneider, "Self-Help Production Cooperatives: Government-Administered Cooperatives During the Depression," in *Worker Cooperatives in America*, Robert Jackall and Henry M. Levin eds. (Berkeley: University of California Press, 1984), 57-84; Brian Q. Cannon, "Power Relations: Western Rural Electric Cooperatives and the New Deal," *Western Historical Quarterly*, 31 (Summer 2000): 133-60.

¹⁶² Housel to Glick, October 17, 1942, Leflar Papers.

¹⁶³ Housel to Glick, November 17, 1942, Leflar Papers.

¹⁶⁴ See Glick to Housel, January 16, 1943, Leflar Papers.

¹⁶⁵ See Housel to Glick, January 9, 1943, Leflar Papers.

¹⁶⁶ See Ver Ploeg to Glick, June 22, 1944, Leflar Papers.

¹⁶⁷ Ver Ploeg to Glick, July 27, 1944, Leflar Papers.

¹⁶⁸ Ver Ploeg to Glick, July 20, 1944, Leflar Papers.

¹⁶⁹ Ver Ploeg to Edwin Ferguson, October 12, 1945, Leflar Papers. The volume of business is, at first glance, surprisingly large. It must be remembered, however, that internees who worked in the camp earned a monthly salary of between \$12 and \$19 per month, many internees went out of camp on "seasonal leave" to do paid agricultural work, some internees received income from properties and business ventures back on the West Coast, and internees were able to tap their bank accounts if they were not frozen. Thus, while the imprisoned community was anything but

wealthy, the camp's retail stores and service businesses nonetheless managed to do a sizable amount of business over the more than three years they operated.

¹⁷⁰ These conditions cannot have played the determinative role. The populations of all of the other WRA camps endured similar conditions but embraced the cooperative form for their business enterprises.

¹⁷¹ Housel to Sigler, January 26, 1943, Leflar Papers.

¹⁷² McGowen to Glick, November 19, 1943, Leflar Papers.

¹⁷³ Housel to Glick, March 25, 1943, Leflar Papers; Ver Ploeg to Glick, August 4, 1944, Leflar Papers; Ver Ploeg to Ferguson, December 7, 1944, Leflar Papers; Ver Ploeg to Ferguson, February 1, 1945, Leflar Papers.

¹⁷⁴ Ver Ploeg to Glick, June 22, 1944, Leflar Papers; Glick to Ver Ploeg, July 18, 1944, Leflar Papers; Ver Ploeg to Glick, July 27, 1944, Leflar Papers; Glick to Ver Ploeg, August 5, 1944, Leflar Papers.

¹⁷⁵ The project attorney worked on many matters that placed him either in a more adversarial and perhaps domineering role towards the internees, such as when he was participating in the screening of their loyalty, or in a more supportive role, such as when he was providing basic legal services to individual internees on matters including divorce, personal injury, income taxation, and the protection of real and personal property back on the West Coast.

¹⁷⁶ Housel to Glick, October 17, 1942, Leflar Papers.

¹⁷⁷ Housel to Glick, November 17, 1942, Leflar Papers.

¹⁷⁸ Jerry Housel in discussion with the author, September 1997, Laramie, Wyoming.

¹⁷⁹ *Ibid.*

¹⁸⁰ Jerry Housel to Philip Glick, May 18, 1943, p. 4, Leflar Papers. When Housel wrote this, tense and even violent uprisings had recently taken place at both the Poston and Manzanar camps.

¹⁸¹ *Ibid.*, 5.

¹⁸² Jerry Housel to Philip Glick, June 3, 1943, p. 5, Leflar Papers.

¹⁸³ *Ibid.*

¹⁸⁴ The case of Jerry Housel nicely illustrates the dramatic oversimplification in Alexander Leighton's division of WRA staff into the "people-oriented" (for whom the internees were "people first and Japanese secondarily") and the "stereotype-oriented" (for whom the internees were the inverse). Alexander Leighton, *The Governing of Men: General Principles and Recommendations Based on Experience at a Japanese Relocation Camp* (Princeton: Princeton University Press, 1946), 81-88. Jerry Housel was both.

¹⁸⁵ Dorothy Swaine Thomas notes, "High Points in Conversation between DST and Dillon Myer, Tozier, Glick, and Barrows," January 20, 1944, Records of the Japanese Evacuation and Resettlement Study, Reel 92, quoted in Jason Scott Smith, "New Deal Public Works at War: The WPA and Japanese American Internment," *Pacific Historical Review* 72:1, 63-92, 91.

¹⁸⁶ Jonathan Henshaw, "Beyond Collaboration and Resistance: 'Accommodation' at the Weihsien Internment Camp, China, 1943-1945," in *Cultural Heritage and Prisoners of War: Creativity Behind Barbed Wire*, ed. Gilly Carr and Harold Mytum (New York: Routledge, 2012), 152-53. The term "accommodation" derives from historian Philippe Burrin's study of the Nazi occupation of France. See Philippe Burrin, *France under the Germans: Collaboration and Compromise* (New York: The New Press, 1996), 460-62.

¹⁸⁷ Henshaw, "Beyond Collaboration and Resistance," 153.

¹⁸⁸ James Mace Ward, “Legitimate Collaboration: The Administration of Santo Tomás Internment Camp and Its Histories, 1942-2003,” *Pacific Historical Review* 77 (2008): 159-201, 159-61.

¹⁸⁹ Burrin, *France under the Germans*, 461-62.