The following excerpts were included in an untitled research document included in the James Omura Papers archived at Stanford University’s Green Library. Most all of the excerpts bear directly or indirectly upon James Omura’s involvement in the October/November 1944 federal trial in Cheyenne, Wyoming, in which he was charged with being a party in conspiracy with the leaders of the Heart Mountain Fair Play Committee to counsel draft-age Nisei at the Heart Mountain Relocation Center to evade the draft, in violation of Section 11 of the Selective Training and Service Act of 1940. These excerpts are not placed in strict chronological order, although provenance is provided for all of them.

1. “I expect to be in Cheyenne Friday forenoon, motoring there with my attorney [Sidney Jacobs]. Mr. [A. L.] Wirin [defense attorney for the FPC leaders] arrived there tonight. The motion for a separate trial, which we filed in August, will be heard on Saturday morning. Our contention is that my circumstance is entirely different from the others. Both Judge T. Blake Kennedy, before whom I was arraigned last August, and Judge Eugene Rice of Oklahoma, the trial judge, have indicated they were not inclined to grant our request for a separate trial on the grounds that it is not possible to separate conspiracy defendants on the basis that one person cannot commit a conspiracy. We do not expect our request to be granted. . . . On Saturday morning, Mr. Wirin is re-submitting his motions and demurrers. He has already submitted them once, but withdrew them while Judge Rice was studying the situation. Mr. Wirin felt that Judge Rice would overrule his motions and demurrers and at the time it was not certain that he would be the trial judge. Naturally Mr. Wirin will amplify his arguments on the re-submission. Mr. Wirin does not expect a favorable ruling but he is making the gesture for the record. . . . In my particular case, our defense will be based on the Freedom of the Press. I expect to win. However, I am not discounting the element of race prejudice and war hysteria which in all probability will attend the case. The fact, too, that it is a Selective Service case—or conspiracy to aid and abet resistance to the draft—makes the situation unfavorable to us [Jimmie and Caryl Omura]. Nevertheless, we are all out to win.
On the other hand, Mr. Wirin is attacking the indictment on the broad constitutional ground evidenced in the [Judge Louis] Goodman case [involving Tule Lake draft resisters] that his defendants are not free agents and thereby are not accorded due process. The Goodman decision was rendered in behalf of 27 draft resisters of Tule Lake last July in the federal district court at Eureka, California. Mr. Wirin intends to delve deep into the question of unconstitutionality of the Evacuation. He has warned Mr. [Sidney] Jacobs that he is ‘long-winded’ and for that reason expects the trial to go two weeks. However, I am agreed with my counsel that Mr. Wirin obviously does not intend to defend each of the boys individually on the criminal counts as such. If that is the case, I expect them to be convicted. They will appeal, of course. . . . We had not expected the trial to go beyond a week. If it does go two weeks as Mr. Wirin indicates, it would be an added financial burden to us. Mr. [L. C.] Sampson [local lawyer assisting Sidney Jacobs in the defense of James Omura in the conspiracy trial] is being paid $250 per week to sit in. We had not calculated upon an additional $250 or whatever his further charges will be. Mr. Jacobs is being paid $1000 for his services and that stays stationary. The rules and procedures in Wyoming requires a sit-in attorney.

We have two-thirds of the attorney fees up. In a one week trial, it would leave us something like $300 short, which we will be allowed to repay in installment fashion. In a two-week trial, this deficit will be substantially increased. My wife has sold the Dodge ’38 I owned and our prize Doberman pinscher. We have nothing else of value to sell.

If an appeal is necessary, an appeal bond or a premium bond is as you remarked 10%. I was originally held on a $5000 bond. Mr. Jacobs was successful in reducing this to $1500 at my preliminary arraignment despite resistance to his efforts for the district attorney. Subsequently, Mr. Sampson asked for a further reduction but was denied. We were in a hopeless position when we heard about Mr. [Frank] Cooper of the Arizona Bail Bond Agency in Phoenix, Arizona. Mr. Cooper promptly expressed his willingness to underwrite a premium bond, requiring only a promissory note. The premium on a $1500 bond is $150.

Mrs. Omura is handling two jobs to meet the expense. She gets up at 4 a.m. to go to work at the American Lady Bakers. After she finishes her stretch there at 4 p.m., she returns to the Buttons’ [home] where she is employed as a domestic. Ordinarily, she does not finish her work there until after 8 p.m. She gets Friday off at the bakery but has to put a full day in for the Buttons. She gets Sunday off at the Buttons but has to put in her regular full day at the bakery.
This is naturally a great strain and I do not expect her to be able to continue in such a dual capacity very long.

I noticed your question on Mr. Sampson. You must understand that Mr. Sampson was not forced upon me but that I selected him after looking over his record and conferring with Mr. Jacobs. I had quite a long discussion with Mr. Sampson on his views generally and particularly in this case before I agreed to retain him. I have full confidence in him. His Selective Service affiliation is an asset in our behalf and his other position as secretary of the Wyoming Bar Association is also helpful. You do not have to worry. You may also wonder why I retained Mr. Jacobs. Mr. Jacobs has been representing me legally ever since I evacuated to Denver in April, 1942. I have been in several minor cases. There were several lawyers who were willing to undertake my case, but I decided upon Mr. Jacobs because of my confidence in his sincerity and conscientiousness. Thought I have had several differences in the instant proceedings, I know that he will do his level best to try to win this case.” (Letter from JMO to Kazushi Matsumoto, October 17, 1944.)

2. “Friday morning, Judge Rice denied a directed verdict for me and thereby placed my fate in the hands of the jury. It was a bad break. Wirin had been so positive that I would be granted a directed verdict. Mr. Sampson and Mr. Jacobs, too, felt disappointed at the reversal. The reporter for the Wyoming Eagle, Vern Lechliter, had felt certain that I would get a directed verdict. Attorney Doi of Los Angeles had felt the same. After the court recessed, Wirin remarked to me: ‘I’m sorry that you’re still in this trial. I was positive you would be a free man today. But you have a wonderful case for an appeal. You’ll win hands down in an appeal.’ Mr. Sampson felt that the court had erred. Judge Rice had not gone in accordance with the law which specifically states that wherever the evidence of innocence is as apparent as the evidence of guilt, it is the court’s duty to grant a directed verdict of not guilty and the case should not be turned over to the jury. The judge acted in contravention of this law. The government presented a very weak case and argument against me. It did not produce a single oral witness. Lechliter wrote in the Wyoming State Tribune: ‘Calling his client a “man of ideals and a champion of Nisei rights” who allowed no one to influence his press, Jacobs said that Omura “did only what he had a right to do under freedom of the press, which is guaranteed him by the first amendment to the Constitution.” Lechliter further stated: ‘The judge, in overruling the motion, said that he considered the evidence presented sufficient to place Omura’s case before the jury.’ I will probably take the
stand Tuesday afternoon in my own defense. I am not very optimistic as to my chances. What I am afraid of is that I will be swept along with the landslide. The best we can hope for is a hung jury, I believe. (Letter from JMO to Kazushi Matsumoto, October 28, 1944)

3. “I have heard it said: ‘The end justifies the means. I am opposed to this philosophy, Jim. Anytime a man uses corrupt methods to attain an objective, he will use the same means to retain the said objective. There is no reason to believe otherwise. . . . Is Mr. Sampson a man of integrity to the extent that his Selective Service affiliation will not influence his decision? . . . Remember Voltaire, Jim? ‘In this best of all possible worlds, everything is for the best.’ You may have lost everything, but you still have the Bill of Rights. If you don’t believe it read the Constitution of the U.S. Never mind what is happening to you. It is merely incidental.” (Letter from Kazushi Matsumoto to JMO, October 13, 1944)

4. “Every letter from Jimmie is full of hope and determination of winning this case. He knows he is framed and I know he is, too. That is why there is justice to his fighting for his exoneration.” (Letter from Caryl Omura to Kazushi Matsumoto, August 21, 1944)

5. “I would wish to assure you that I am innocent of the specific charges in the indictment and cannot help but feel that I am being railroaded to the pen. Of course I hope for a fair and a just trial but I am not overlooking the element of racial prejudice and war hysteria which doubtlessly would prevail. I would like to leave this thought with you in the event of my conviction, the prosecution would have secured this conviction on circumstantial evidences and probably for political purposes with regard to truth and facts in the case. Succinctly this would mean that once the government determined to get a man, that man is as good as doomed. This is not justice and democracy as we were taught in our formative years but is the situation that attains under a one-man rule and the deterioration of society. To understand it we must also take cognizance of the gradual economic change that has been taking place through the years and the reaction and relationship of society to this economic revolution.” (Letter from JMO to Kazushi Matsumoto, September 6, 1944)

6. “I suppose you know that A. L. Wirin, ace Civil Liberties Union counsel, is representing the other defendants. He has indicated he would like to represent me also. I am not impressed with his procedure and courtroom manner and though it is a financial burden to retain a private counsel, I am however glad I do have Jacobs and Sampson. Both of my counsels also differ with Wirin and disagree with his method. They do not regard Wirin too highly. I was disgusted with
the manner in which he disqualified Judge Kennedy. I understand he would now like to disqualify Judge Rice of Oklahoma who heard the preliminary motions. I had preferred Judge Kennedy on my case but naturally the disqualification applies in my instance also. My co-defendants are heartily against Judge Kennedy, but after all I do not belong in the same boat with them, although I am being accused of being one of the key oarsmen.” (Letter from JMO to Kazushi Matsumoto, September 5, 1944)

7. “[Sydney] Jacobs’ suit [against James Omura] is apparently a harassment proceeding. . . . As I said before, he is probably being encouraged. After all, there is an open season on you, apparently. The strong always oppress the weak. The unprotected always gets the dirty end of the stick. . . . As for the American Gestapo I did not think that they were through with you. I did not think it to be that simple.” (Letter from Kazushi Matsumoto to JMO, February 4, 1945)

8. “I was what in your consideration would be a damn fool and contested Mr. [Sydney] Jacobs’ suit. In fact, we went further and filed a cross-complaint. The jury listened to the testimonies for five and one-half hours and returned with a verdict in five minutes. Mr. Jacobs was awarded the judgment. . . . Mr. Jacobs took the stand and told a series of lies. I still cannot understand how any sensible person could have believed what he claimed. Primarily, it is unbelievable that a person in our modest circumstances would have agreed to pay $1000 without stipulations as to what was to be done and that we would have agreed to pay the full amount at the conclusion of the trial when we were without adequate funds. That would have been agreeing to something that was impossible. Still the jury believed Mr. Jacobs. . . . In view of the fact that Mr. Jacobs won his judgment on false testimony, we are not inclined to recompense him. We have decided on filing voluntary bankruptcy, but at the moment are unable to do so because of prohibitive charges. It would cost us roughly between $120 to $230, according to a rough estimate by Mr. McDougal, who represented us through the Legal Aid Society.” (Letter from JMO to Kazushi Matsumoto, date probably mid-February, 1945)

9. “Mr. Wirin asked Jacobs by mail if we would let Mr. Sampson be our attorney as well as his. Mr. Jacobs wrote no. I knew he would ask us that. I hope if anything comes up among the boys you will explain that this was arranged among the attorneys and not your doings. That you did agree in this matter since we were trying to keep the cases separate. . . . I am already making preparation with attorney at FBI. We spent 2 and ½ hours at the office there and one-half hour was over the phone arguing with [Carl] Sackett [the United States attorney for the District of
Wyoming and the man who had drafted the indictment and who was quite worried about the strength of his case, especially against Omura] about letting us see the letters that [Charles J.] Hedetniemi [supervisor of The Japanese Publishing Company-Rocky Shimpo] confiscated from you. Will you tell details as to how they obtained them from you? Sackett was told by court to produce them and let us have copies but he denies us making such a request. I regards to these batch of letters, I mean. We have obtained permission and have made request for many letters to be photostatic copies. . . . Sackett was supposed to phone us back at FBI saying whether after a check with the clerk if he or she can be depended upon to tell the truth that the request was as we have stated. I will phone in the morning about it. Then I must go downtown and copy all or some of the valuable press columns out of your scrapbook. . . . Mr. Wirin told Jacobs that he will present his demurrers again before Judge Rice. That he expects to come to Cheyenne three days before the trial and prepare case. I don’t think such a defense will be [of] value to the boys. That man must be crazy to think that he can defend each boy separately. I wrote and told Frank [Emi] that he better not be sold down the river by him. I suppose that was too hard and rough, but I am hoping that the defense will be prepared very solidly and no mess-ups at the trial. . . . There are many setbacks to be expected. . . . Write to me through attorney [Sampson] as I am not sending any more letters to you the other way. We are working on defense and we do not want to undo anything that is valuable. Jacobs is a hard worker and I will do anything to help him.” (Letter from Caryl Omura, through Mr. Sampson, September 13, 1944)

10. “I met her [Mrs. Sylvia] Toshiyuki] at the Sedition Trial of the three Nisei [Shitara] sisters on Monday and at her request made arrangements for appointment with Mr. Jacobs. He has been attending the trial to study the leading criminal lawyer, Robertson, defend the girls. . . . Jacobs thinks the girls will be found guilty; Mrs. Toshiyuki and I believe they will be either exonerated or receive a very light penalty. . . . However, the FBI called on Mrs. T and told her that they have witnesses who will testify against her that she was the “go-between.” She believes it is the Rocky Shimpo influence. . . . She says that as soon as the treason trial is over with she expects the government will throw another bombshell in the public light and pick her up. It is for this reason that she has been consulting Jacobs and giving him all the information, ideas and thoughts that will help your case and also to acquaint him with the details. He [Jacobs] knows who [Kiyoshi] Okamoto is and even told her after her talk that he did not think she was in the wrong nor is Okamoto. (I wish to make a correction: Jacobs did not say that Okamoto and she were right, he
did say they were not doing criminal acts.) Now I do not know whether this is to be kept under the table at present but it was said to me confidentially. The rest is up to you. I sincerely believe that both Wirin and Jacobs will get along nicely and Mrs. T said that she didn’t know how they couldn’t. Also she told Jacobs about the letter you received from a certain law firm that gave an opinion of your articles and I understand that Jacobs has been busy subpoenaing them. I am afraid the rest will have to come out in conversations with Mr. Jacobs, as I have not been present at the appointment with Jacobs and Mrs. T. But I think you will find that he knows more about the case than you think he knows. . . . She is [of] the opinion that Jacobs is certainly working for his money and that he is preparing his case while [Samuel] Menin did not ever prepare his case for the 63 boys [Heart Mountain draft resisters.” (Letter from Caryl Omura through Mr. Sampson, August 11, 1944)

11. “I have learned through experience that it does not pay to be courteous and cooperative. I have been that, as you know, with the FBI in Denver. It was a mistake. The very officer which once came to me for information, now arranges to conspire to railroad me to the pen, simply because I place the highest value on my rights as an American citizen and will not permit invasion on such rights without protests. . . . Look at my personal record. How many important people who at one time expressed satisfaction as to my Americanism and loyalty. That was prior to Pearl Harbor. Now they place race before truth; emotionalism before facts. But I am glad that a man like Chester Rowell, known nationally as [a] newspaper columnist and editor [for the San Francisco Chronicle], are willing to keep on believing in me and without solicitation, express himself as prepared to formally attest to my loyalty on Americanism. But it is not upon that issue that I am indicted. Even the Office of Alien Property Custodian declared it believed I was fully American and loyal. The issue is conspiracy to cause the Nisei to resist the draft. This, of course, from every angle is false. But we know through [the] U.S. District Attorney Morrissey that the War Department wanted my scalp but found no way legally to proceed. The Grand Jury of Wyoming, therefore, acted. But on what material ground? What can be achieved by assassinating my character on false premises. Resistance will continue as it has. The instigator is not I; it is the government and the treatment of these people in camp. But the government wants a scapegoat and what better meat than other Nisei. . . . I am going to write a book with Paul’s [Nakadate] collaboration when this is over. It will make interesting an illuminating reading. My first effort will be to write articles for national publications. Paul had quite a few words down in his book
before he was arrested. Now he wants me to write it with his collaboration.” *(Letter from JMO to Caryl Omura through Mr. Sampson, August 16, 1944)*

12. “In my particular case, I feel we shall raise the question of Freedom of the Press. The others are going to raise the question of constitutionality of evacuation, illegal detention, etc.” *(Letter from JMO to Caryl Omura through Mr. Sampson, August 12, 1944)*

13. “In reference to Sylvia [Toshiyuki], I do not believe she will be indicted but rather would be subpoenaed as a witness by the prosecution. I am glad to note that she has confided in Jacobs, but I do not fail to recall that she took this step only when she believed her own liberty was threatened. Jacobs’ reaction after speaking with Sylvia is also cheerful news. However, I do not understand what you mean by my being overconfident. I do not believe that I have been anything but a realist throughout. If Mr. Jacobs feels there are materials he has uncovered which would convict me, I would have to disagree with him entirely. I have no guilty conscience in this matter and am proud of my own stand. I do not fear the future of whatever may transpire and I again assert my conviction that the prosecution has no legal leg in bringing this action. I am positively confident but in no degree what you term over-confident . . . I had forgotten to mention that as I did not know at the time that Mr. Jacobs had started work on the defense. Even Mr. Sampson is not informed as to Mr. Jacobs’ progress. Naturally if Mr. Jacobs is shaping up the defense, there are materials he should know about. For instance, the [Jim Akutsu, Minidoka draft resister] correspondence, copies of which should be home on top of the Current Life office sign—the glass one, on the third shelf below the stationeries. If they are not there, Mr. Rankin has these. My reply to Toru Matsumoto, which you probably have; letters right down the line to agencies in Washington, to Senator Gillette; to McNutt, to War Department, to newspapers while I was operating the Employment Bureau. These are in your possession. He should read my statement before the Tolan Committee. He should also subpoena [Kiyoshi] Okamoto’s statement of exoneration and also Fair Play Committee exoneration. . . . Has Jacobs read the file on Current Life? These and other matters should be gone over. . . . *It is also my wish that we broaden this issue from a simple conspiracy case to Freedom of the Press. The foundation of my case should be based on the solid groundwork enunciated in the Bill of Rights. We can do no less than to test the Freedom of the Press here and now in view of the Government’s action. That after all is the true issue. Conspiracy is a trumped up charge to eliminate my voice. No defense would be satisfactory to me unless Freedom of the Press is the fundamental central theme* [editor’s
emphasis here]. I have spoken to Mr. Sampson and though he did not indicate over-enthusiasm, he considered my suggestion of certain merit. . . . One thing I have noticed is that there appears to be considerable variance of views among the leaders [of the FPC] but they all stick together on the broad issue. There is no personality when it comes to that. It’s all for one and one for all! . . . The FPC fought for a great principle. That principle was recognized by such a big man as A. L. Wirin, who is one of the best constitutional lawyers in the country. And Wirin does not take ordinary cases. I am proud to be associated in this case with these militant Americans whose courage and intestinal fortitude are as strong as their visions are farsighted.” (JMO to Caryl Omura through Mr. Sampson, August 12, 1944)

14. “Mr. Jacobs and I are still as widely apart on the various features of this case as we were in Denver. Between conferences this morning I had a few more words with him when he insisted upon bringing up the same old issue that I had the opportunity to clearly state my position and did not. I put it to him rather strong. I told him we were simply wasting time on arguments and that it is too late at this stage to bring such matters up. He also intimated that I was holding back on materials when I told him that I had the editorial “Plea for Tolerance” at the hotel in my file of Current Life. I am not at all satisfied with Mr. Jacobs. . . . Mr. Jacobs is not any more familiar with my editorials and letters than he was in Denver. He declares he intends to go over such materials with me before the trial and that he is going to go over all of that so that he can get a better grasp of the case, but besides his words I see nothing done in this direction. I think he should [go] into conference with me and Mr. Sampson on these materials. The three of us have not conferenced together since our arrival in Cheyenne. The trial begins tomorrow, you know.” (Letter from JMO to Caryl Omura through Mr. Sampson, October 22, 1944)

15. “Paul [Nakadate] was here last night. . . . He tells me he was in conference with Wirin and Jacobs was there. Mr. Jacobs said nothing about it. Paul tells me that he asked if I had ever known them, the other boys, before [or] if I were a member of the Fair Play Committee. Of course, he seems to have qualified his question by first saying that he had confidence in my truthfulness but he wanted to know for his own information if I had told the truth. Now can you beat that! (Letter from JMO to Caryl Omura care of Mr. Sampson, October 22, 1944)

16. “The court was still in session when Mr. Jacobs, Mr. Sampson and I departed. . . . Judge Rice had just refused to grant a separate trial. However, Mr. Jacobs’ efforts seem to have drawn to the attention of the judge the uniqueness of my position. Mr. Wirin and Mr. Sampson both felt that it
had placed me in a favorable position, although we failed to secure the objective. . . . The [Windsor] hotel manager told us (me and Jacobs) that Mr. Sampson had inquired for me earlier and so we went to see him. Mr. Sampson had a lot of material indexed. Law that Mr. Jacobs had not looked up. In fact, in my opinion Mr. Sampson was better prepared. Mr. Sampson has been very nice to me. He points out law on this case to me, but Mr. Jacobs does not seem overly pleased to have me acquaint myself with it. In the courtroom, Mr. Sampson comes over and asks pointed questions as to the witnesses being examined or any other person in court called by the government. He also points out the weak and strong points whenever he is sitting next to me. I have a feeling that Mr. Jacobs wants to keep me in the dark about the law as much as possible. Mr. Jacobs is trying to make arrangements to keep Mr. Sampson out of court except when needed. Mr. Sampson seems to want to stick around until he can get a drift of what the defense is going to be. I feel much better with Mr. Sampson about, but what bothers me is the fact that a long trial would run into further expenses which we could not pay Mr. Sampson at this time.”

(Letter from JMO to Caryl Omura, October 21, 1944)

17. “I have just received word that the Circuit Court of Appeals has refused to grant bond for you boys [FPC leaders] and you fellows are to be removed to Leavenworth within a few days. . . . The personal bickerings of the boys have been a keen disappointment to me and I have been too greatly disillusioned with them to entertain a very high estimate for them. I shall never forget, though I will probably forgive, what Sam [Horino] said that night [when he called me a traitor]. Sam simply expressed the consensus opinion or feeling of the others [FPC Leaders].”

(Letter from JMO to Paul T. Nakadate at Laramie, Wyoming, December 12, 1944)

18. “I have a feeling that someday the courts will hold that to draft a person whose civil rights have been divested by a presidential order is unconstitutional and not within the tenets of a democracy as we understand it.” (Letter from JMO to A. L. Wirin, January 28, 1945)

19. “I take this method to express to you and to each member of the special jury, which sat over the trial in the recent conspiracy case in Cheyenne, my deepest gratitude for the fair and just adjudication of the government’s case against me. I had been very much afraid that the jurors would include me in the landslide verdict against my co-defendants. . . . The verdict of the jury in regards to me left unimpaired the Freedom of the Press, one of the most sacred of our constitutional grants. . . . I have been a very forceful champion of a living democracy. I am not among those Nisei who profess loyalty to the United States simply for convenience but I believe
enough in the principles of democracy to be willing to defend those principles at all cost.”

(Letter from JMO to C. A. Black, jury foreman, November 29, 1944)

20. “First of all, Mr. Jacobs consistently refused to follow out my suggestions on many matters . . . indicated to my wife that he would have to make additional charges for going over the correspondences in the case unless I was able to come out on bail to do the job myself . . . Furthermore, when I was released on bail Mr. Jacobs had no time to see me and instructed me not to bother him for one week. In the meantime, he had time to speak with Mrs. [Sylvia] Toshiyuki on my time and Mr. [Kiyoshi] Okamoto. He constantly rushed me out of his office . . . and refused to go over the case properly with me.” (Letter from JMO to L. C. Sampson, January 1, 1945)

21. “I am enclosing a clipping of an article concerning my testimony which appeared in this morning’s [Wyoming] Eagle [newspaper]. The reporter, Vern Lechliter, feels that I am innocent. He felt that I should have been granted a directed verdict. He feels that the jury should acquit me. He had this to say after I left the stand: “If you are convicted, I wouldn’t know what Freedom of the Press means.” (Letter from JMO to Frank Cooper, November 1, 1944)

22. “I am somewhat disturbed because Mr. Jacobs has not yet got down to fundamentals. We have only eleven days in which to prepare the defense . . . . It is quite possible that Mr. Jacobs is an eleventh-hour artist . . . . I have had a few words with Mr. Jacobs but I have always yielded the point. I kept in mind your suggestion that I attempt to cooperate with him . . . . Mr. Jacobs simply argues against me instead of outlining the strategy to offset [Carl] Sackett’s contentions. We achieve nothing . . . . I dropped in on Mr. Jacobs unexpectedly yesterday afternoon and found him in conference with Mr. [Kiyoshi] Okamoto.” (Letter from JMO to L. C. Sampson, October 12, 1944)

23. “It is entirely possible that Mr. Jacobs works most effectively when assuming a more critical attitude and I personally predict that before the trial your ideas of presentation will be adopted in the main, so I would not be too discouraged with apparent lack of progress in this regard.” (Letter from L. C. Sampson to JMO, October 14, 1944)

24. “He [Jimmie Omura] was turned down on his last application because of his former activities, and is still looking for a job . . . . A week after our return from Cheyenne [to Denver] I went to see Mr. Jacobs at his request and we had an hour’s conversation. One-fourth of the time was devoted to an incident with U. S. District Attorney Morrisey in which Mr. Morrisey said that
Jimmie had better stay away from the pen and typewriter or else he will file a case on sedition against him. Also that the Denver offices were very disappointed Jimmie won. They were very certain that they had him. . . . The fact that all his [Jacobs’] friends and family relatives tried to discourage him and that he stayed up until 12:30 at night several nights preparing the case shows that he was capable and was very well prepared.” (Letter from Caryl Omura to L. C. Sampson, December 1, 1944)

25. “I studied the question pretty carefully, of whether the statute concerning conspiracy refers only to conspiracy to evade the act by force and violence. Unfortunately, I find a Circuit Court of Appeals case [in] which the United States Supreme Court refused to review on writ of certiorari to the effect that the conspiracy part of the statute does not merely refer to the words immediately preceding it, but refers to doing any other acts referred to in the penalty section of the statutes. Under the authority of that case, we would not get any place by contending that the charge of conspiracy to evade the act could apply to conspiracy by force and violence only. I have studied the indictment through pretty carefully, and am afraid we would not get far by attacking it by demurrer. . . . Although we know that most of the things stated in the indictment are untrue as far as Mr. Omura is concerned, nevertheless, they allege that he did them, and I do not believe we would get any place by demurrer. . . . I believe that we, legitimately, are entitled to a separate trial because the position of Mr. Omura is entirely different to that of all the other defendants. I am afraid that he will be prejudiced by the introduction of evidence against the other defendants, particularly in view of the fact that there is such confusion among Japanese names.” (Letter from Sidney S. Jacobs to L. C. Sampson, August 2, 1944)

26. “[And] I am of the opinion that your conclusion that it would be useless to proceed against the indictment was probably very well found; and I think Mr. Wirin, by his multiplicity of motions, was grooping at pretty slender threads in his attack upon the indictment.” (Letter from L. C. Sampson to Sidney S. Jacobs, August 9, 1944).

27. “I am very much impressed by your opinion that it was a mistake for me to ask Judge Kennedy to step out. It occurred to me at the time I made the request that since he had ruled contrary to Judge [Louis] Goodman, that there was a fighting chance that another judge might agree with Judge Goodman—at least a better chance than expecting Judge Kennedy to reverse himself.” (Letter from A. L. Wirin to Sidney S. Jacobs, September 5, 1944)
28. “I wish that we could have talked about the matter before it happened. . . . I would also rather have the trial at Cheyenne than elsewhere if it is possible. I feel that the larger the place, the fairer [the] trial and less prejudice. . . . I had Kennedy to rule to try it at Cheyenne even though the D.A. wanted it at Sheridan.” (Letter from Sidney S. Jacobs to A. L. Wirin, September 6, 1944)

29. “[I am] advising [you] that I presented to the Court an application for reduction of the bond and was denied this reduction I got the impression from the remarks of the Court that Judge Rice had relied upon the amount of the bond fixed by him in determining the amount for the other defendants and that he was not disposed to reduce it further even in view of the overcrowded condition at the jail.” (Letter from L. C. Sampson to Sidney S. Jacobs, September 11, 1944)

30. “This morning I made application to the Court for reduction of the bond from $1500 to $1000 and was turned down. . . . The District Attorney resisted. . . . Judge Kennedy was not disposed to give consideration to Mr. Wirin’s request that the Judge had gone too far with getting Judge Rice to come up [from Oklahoma] for the trial.” (Letter from L. C. Sampson to Caryl Omura, September 11, 1944)

31. “However, Jimmy [sic] contends that he is not a member of the Fair Play Committee, that he had never met them personally, and did not know them until incarcerated together. . . . Our defense, of course, is going to be Freedom of the Press. Sam Menin thinks you know of a case in Arizona that was dismissed because of Freedom of Speech that might be helpful.” (Letter from Sidney Jacobs to A. L. Wirin, September 13, 1944)

32. “I must add [that] I was greatly surprised that Mr. McPherson published the contents of my letter of thanks to the Wyoming Eagle. . . . I feel very strongly that your reporting in particular had a great deal to do with my acquittal. I base my opinion on the fact that newspaper comments were accessible to members of the jury and that an adverse reporting could have colored their opinions. . . . I observed certain gems in your accounts of the trial that were decidedly helpful and showed brilliant reporting. For instance, Judge Eugene Rice’s reply to Mr. Jacobs in refusing a second request for a directed verdict. There was also [Kiyoshi] Okamoto’s afterthought about ‘oriental monkeys.’ . . . I have been thinking of writing a detailed account of the events which eventually led to my indictment and the effort the authorities expended in its attempt to either throttle my editorials or to railroad me into oblivion. I do not think that the last chapter has been written yet.” (Letter from JMO to Vern Lechliter, January 1, 1945)
33. “He (Mr. McPherson) insisted your letter be used in a story for our paper today and, confidentially, I was happy he did—both for your sake and because of my pride in receiving it. . . That your conviction on the charge would have been a mighty blow against Freedom of the Press. I assure you I was almost as happy as you were that night when I heard the verdict.”

(Letter from Vern Lechliter to JMO, December 2, 1944).

34. “I have observed since I made the acquaintance of Mrs. [Alice] Nakadate at the trial that she is disinclined to discuss her husband’s participation in the Fair Play Committee and his subsequent conviction. Seemingly she regards his confinement as a cross to bear in shame and silence. She strikes me as a sensitive person to whom all this is baffling—who cannot understand how Paul [Nakadate] could have so far forgotten his obligations to his wife and child to allow himself to participate in the F.P.C. program and thereby jeopardize their future. . . . It was Paul’s error that he permitted himself to be identified with the F.P.C. as a speaker and as an official despite the fact that he was not in full accord with the organization’s activities and with its leaders. It is perhaps true that he apparently did not know what was actually taking place, though it would seem incredible to us [JMO and Caryl Omura] that he did not. However, from my association and discussions with him and the others, I am sufficiently convinced that he was not among the inside planners and was in fact persona non grata as a plotter and simply being used. The fact that he was on the opposite side of the fence throughout his confinement in Cheyenne and throughout the entire trial is the strongest argument in his favor. He was distrusted by the ringleaders. . . . In much the same position we find Mr. Okamoto. There is no question in my mind that Mr. Okamoto was badly used by the real ringleaders. He was not guilty of the charge to conspire but because he permitted his name to be used as the organization’s chairman, he jeopardized his own position and placed his liberty in the hands of the actual plotters. He was [a] recalcitrant leader, going his own way and refusing to cooperate with his fellow leaders. Mr. Okamoto had his delusion of grandeur throughout and doubtlessly still holds to it. He felt that since he fathered the Fair Play Committee that he should be its elected head and its dominant voice. Despite the fact that he had no organizing ability and no true leadership, he was unwilling to relinquish even in a small part the position he felt he was entitled to. He was going to use the organization, but in the end he was outwitted and used instead. . . . It is an ironic twist that the lone alien among the group, Mr. [Kuntaro] Kubota, would have received the lightest sentence. I am of the feeling that Mr. Kubota was in large measure responsible for the actions of the Fair
Play Committee. He was certainly a dominant figure in its activities. He it was who put over the financial drive which encouraged them to take the steps which they did. He it was that persuaded the F.P.C. leaders on their road to disaster. With my own ears I have heard him indoctrinating his fellow leaders. Justice? Ah, but I do not think that justice had its day in court when Judge Rice sentenced Kubota to only two years. Nakadate and Okamoto were pawns at best, while Kubota was a guiding genius. I find in my own mind that equally guilty with Kubota were Frank Emi and Isamu Horino. Kubota, Emi and Horino were the actual ringleaders. And to give greater weight to this contention, this trio stuck together through thick and thin. Paul [Nakadate] and Okamoto were left out and were regarded with suspicion. Furthermore, this trio was most gravely concerned as to their penalty, whereas both Paul and Okamoto throughout their confinement refused to allow themselves to become overly worried. Also Kubota, Emi and Horino were all judo experts, whereas Okamoto and Nakadate were unacquainted with this science. Furthermore, Kubota, Emi and Horino had visited Japan, Emi and Horino just prior to the war, and Nakadate and Okamoto had not been to Japan, at any rate not within recent years. And what is the situation at Leavenworth where these people are now confined? Paul does not associate with the others; Okamoto has been ostracized. . . . It was my misfortune to have my name dragged into this trial, not because I was guilty of the charge but because I had been the most dominant voice among the Nisei. The issues I had been raising were proving embarrassing to the administration. Overtures were made, asking me to desist, with the threat of political persecution as a consequence if I failed. I refused. Then a series of political persecution began. The W.R.A. began a press campaign, vilifying my name. The JACL was prevailed upon to attack in press. A national official of the Y.W.C.A. began a tour of the country and before a Denver University group roundly condemned my editorship. A professor at a Utah university was prevailed upon to communicate with the publisher of The Rocky Shimpo in effect requesting my withdrawal as editor. Pressure was brought upon the War Department, the F.B.I. and other governmental bureaus to check the editorials I was writing. I have been told that the War Department communicated with Thomas Morrissey, United States district attorney, to bring an action to halt my editorials. Three times such a representation is said to have been made. Mr. Morrissey could not act. The editorials were not seditious. He finally suggested that the newspaper be closed; the War Department declared the suggestion was unfeasible. As a last resort, my removal was demanded on the threat that alternative action would be the closing of
the shop. No valid reason existed for my removal. The Office of the Alien Property Custodian had to concoct one. It issued an order which I could not properly comply with and while I was negotiating for a less drastic approach to the situation, it sent its representative to Denver and demanded my discharge on the basis that I failed to cooperate with the Washington office in carrying out of my duties as editor. This was a direct lie. The record shows that I had again and again indicated my willingness to reach an understanding with Washington. The office of the Alien Property Custodian had ignored four successive representations I had made. Then it acted. And thereby I became a party to the trial in Cheyenne. This briefly are the facts of the case. And it was the government’s intent to silence me and to discredit me before my racial group, and in a measure they achieved this end. . . . We [Jimmie and Caryl Omura] were not willing to see injustices committed without raising our voice in protest, and though we have lost a great deal we still prefer the rough, hard road over which we travelled to resignation and voluntary relinquishment of our civil liberties. We would rather go down fighting than not to fight at all, for after all defeat is no shame.” (Letter from JMO to Vern Lechliter, April 1, 1945)

35. “I was not a party to any conspiracy. I, at no time, urged others to resist the draft. Under the Freedom of the Press, I simply explored the various facets of the re-application of Selective Service to the Nisei and protested the apparent injustices and the doubtful constitutional aspects of this reinstating of the draft. The government had to have a goat and I filled the bill because of my searching editorials. . . . However, I do not believe that a conspiracy did exist, according to the testimony. I had considered that a hung-jury would occur, but, of course, it did not.” (Letter from JMO to Vern Lechliter, November 29, 1944)

36. “Mr. Jacobs asserted that Mrs. [Caryl] Omura contracted to retain him at $1000 without stipulations as to what he was supposed to do. Do you think anyone in our modest circumstances would have agreed to that? He further claimed that [the] relationships between him and me were cordial and we had only one difference in court one day. You are, of course, aware that there were continuous differences. He also said that he had looked up all the laws except one or two minor ones before he left Denver. He said he had gone through the Keegan case before leaving for Cheyenne. We know that it was yourself who pointed out the case to him and he was so concerned about it that he asked you for the use of your inner office while you went out to lunch. He said he knew all the laws prior to leaving for Cheyenne. He had studied the law on a separate trial and yet it was yourself who pointed out an obscure ruling in the State of Washington and it
was this case that he cited in support of his argument.” (Letter from JMO to L. C. Sampson, March 4, 1945)

37. “Paul [Nakadate] never mentions his fellow Fair Players and obviously does not associate with them. I am, of course, persona non grata. . . . Paul was the only one in the group that I considered as having any degree of common sense and who were not either idealistic fanatics, self-glorifiers, or ambitious opportunists. The group was always tugging and pulling at each other and each suspicious of the others. It was a peculiar setup. I couldn’t stomach them myself.” (Letter from JMO to Vern Lechliter, July 1, 1945)

38. I am afraid that Mr. Jacobs has not properly prepared my case and I am worried as to his ability to cope with the situation. It is a big case for him and he is not putting in the time that he should in preparing it. We have been widely apart in the progress and procedure that he is following. In fact, he admits he is only generally acquainted with the case. The trial starts tomorrow and it does not speak too well of a counsel not to be quite thoroughly familiar with the defendant’s position. He is always saying he will get to it but so far he hasn’t. With arguments on a separate trial coming up yesterday, at the time he arrived here Friday he had not looked up the law on it. I know this because Mr. Sampson pointed out the law to him and asked him if he had read it. He hadn’t and he remained in Sampson’s office for several hours to read it. Mr. Sampson also pointed out other law on the case itself of which Mr. Jacobs was not familiar.” (Letter from JMO to Casey Matsumoto, October 22, 1944)

39. “The fact that we are in bankruptcy is not commonly known. The Japanese consider us well-to-do, a fact which interfered with our efforts to raise financial support for the trial.” (Letter from JMO to Casey Matsumoto, July 1, 1945)

40. “In your July 5th communication, you ask whether the Nisei who have since resisted the draft predicate their action upon principle or personal safety. I could not really tell you. However, I shall hazard an opinion. Naturally among any group of people there would be a certain number who would resist the draft simply to avoid the risk of death. It would not be unusual if some of these Nisei did not act with that thought in mind. Such individuals prefer to sit out the war behind prison bars. After all, there isn’t really a great deal of difference between confinement in the so-called relocation centers and a federal penitentiary. The transition from one to the other causes only the slightest social and economic ripple. Then, of course, we must concede that a
few perhaps based their action on moral principles.” (Letter from JMO to Kazushi Matsumoto, August 7, 1945)

41. “The decision of the appellate court is a vindication for Paul [Nakadate] and for all those who associated themselves in in whatever manner with the program of the Fair Play Committee. I never ceased to believe that justice did not prevail in the district court in Cheyenne and that the judgments would be ultimately reversed. Free speech, free assembly, free press and the right of an individual to petition his government for a redress of grievances and until such grievances were acted upon to refuse to submit were successively ignored in the trial of the FPC leaders. Those who have an appreciation of their constitutional rights will honor the memory of these courageous FPC leaders. They had the courage and intestinal fortitude to defend a lost cause when others feared when the test came to even stand up and be counted. Those who will chronicle the event of the evacuation cannot honestly ignore the truly noble attempt the FPC made to its militant fight in the name of justice, democracy and freedom. The FPC has illustrated that at least a handful among the Nisei entertain within hem the same pioneering spirit, the same flame of freedom-loving people that has marked the progress of this nation with its multitudinous pageantry of races and nationalities toward a more perfect democracy.” (Letter from JMO to Alice Nakadate, January 1, 1946)

42. “The appellate court held that it is no conspiracy to question the constitutionality of a law until it has been held valid by the courts. The court declared that the question whether a relocate could be drafted while living in the center had not been ruled upon. This decision vindicates the position I took and completely clears my name. The court acted on the same reasoning which I time and again emphasized as editor of the Rocky Shimpo. I felt that my own acquittal was not enough and that I needed this decision to attest to the propriety of my action. It was a long time in coming, but it has come at last. What this decision means to those who recklessly and viciously maligned the leaders of the Fair Play Committee and damned my name—principally the JACL? It is an error they committed that they can never wipe off. The JACL and its sympathizers crucified me in the Pacific Citizen and convicted me without a hearing and heaped infamy upon my name. . . . I have been the single outspoken foe of the JACL and my long, bitter public clashes with the organization is all too well known.” (Letter from JMO to Kazushi Matsumoto, December 31, 1945)
43. “The decision of the appellate court in setting aside the conviction [of the Fair Play Committee leaders] is of great importance to me and I thought I would share this great news with you. Despite the fact I was acquitted in the district court in Wyoming of any complicity with the Fair Play Committee, I have never felt free that in the eyes of the Nisei public I had been completely absolved. The leaders of the Fair Play Committee had been convicted. I had editorially supported the FPC and had been a spearhead in the crusade for democratic acceptance and treatment of people of Japanese ancestry. My acquittal simply meant that I had acted with propriety and within the law. The acquittal of the FPC leaders now means that I had not erred in my judgment in backing the FPC program. The appellate court’s decision vindicates the position I took and the position taken by the FPC.” (Letter from JMO to Francis Yamamoto, January 1946)