

another far from positive and air striking force too small. Replacement of PBV-3 planes here by Army B-24 planes would make vital improvement in situation for both search and striking. Attention this connection invited consideration for serial #225 of December 18 with which CINCPAC heartily concurs. Subject fully covered in separate correspondence being forwarded airmail. Crews can be spared from here for taking over and ferrying B-24s. With background patrol plane qualification this can be quickly accomplished. Urgently recommended favorable consideration and immediate initiation action.

Distribution Action COMINCH WAROP 290P

Record 11 OPD 12 38 NAVAIDE 16 Personal

Top Secret

From: CINCPAC
Date: 5 January 1942
Decoded by: Cassing
Paraphrased by: Hetus

COMINCH
PTPTPTPT
OPNAV

#49547 CR8884

Withdrawals of Army bombers and Navy patrol planes from this theatre even though temporary for other projects leave us dangerously weak against aircraft carrier and other forms of attack. Retention of Oahu is by no means assured with present available forces. Navy patrol wings should be increased to 144 planes composed of both seaplane and landplane types for maintenance effective search. Carrier squadrons should be filled and kept filled to full allowance of spares to insure maximum effective seaborne striking force. To maintain even present daily search imposes greater load on material and personnel than can be much longer continued. See my #41891. See Commanding General Hawaiian Department's despatch of even date to War Department with which CINCPAC strongly concurs. ComdGenHaw Dep't informed by mail.

Distribution

COMINCH Action

Record Opp—11 12 38 OPDO NAVAIDE 16 Personal

CINCPAC WAROP File 290P File

WAROP6 Secret

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EXHIBIT NO. 128

JUNE 4th, 1941.

Air Mail

The Honorable The ATTORNEY GENERAL,
Washington, D. C.

(Attention: Wendell Berge, Assistant Attorney General.)

SIR: Reference is made to your letter dated May 22, 1941 in which you asked my opinion concerning the prosecution of the several Japanese Sub-Consular Agents in Hawaii and also my radiogram of May 31, 1941 relative to the same matter.

Immediately after receiving your letter, I contacted Mr. R. L. Shivers, Special Agent in charge of the Federal Bureau of Investigation and Agent F. G. Tillman, who has been assigned to Japanese matters exclusively. Although I have been aware of this general situation for some time, no reports concerning these matters have been submitted to this office. Mr. Shivers brought with him, at my request, a copy of the investigative report of Special Agent F. G. Tillman, dated at Honolulu, March 10, 1941, in reference to ITSUO HAMADA, concerning a violation of the Registration Act. From my conversation with Mr. Shivers and Mr. Tillman and from the information set out in the report, I think that a successful prosecution could be had against this individual and other Japanese Sub-Consular Agents in the Territory if the facts are substantially the same in all of these cases. Mr. Shivers advises me that about forty of these cases have been investigated completely and would be ready for immediate prosecution, and that the facts in the remaining two hundred or so are approximately the same and they could be brought up to date with very little notice.

In a conference with representatives of the Army and Navy in which Captain I. M. Mayfield represented the Admiral of the 14th Naval District and Colonel M. W. Marsden represented the Commanding General of the Hawaiian Department, Captain Mayfield stated that it was the opinion of the Admiral that prosecution should be instituted immediately against these Japanese Sub-Consular Agents and that it should be handled in a routine manner so as to cause as little disturbance as possible. Colonel Marsden stated that it was the opinion of the Commanding General of the Hawaiian Department who is charged with the internal security of the Islands, that prosecution at this time would be detrimental to the general plans of the Army and would probably have a bad effect on work already done. It is also the Commanding General's opinion that the majority of the American citizens of Japanese ancestry will be loyal to the United States and that prosecution at this time of the Sub-Consular Agents would only tend to aggravate the situation and probably materially effect the loyalty of these individuals. The Army has conveyed the opinion to the Japanese population as a whole that they will be taken care of and given full protection of the law if they are loyal to the United States.

It is my opinion that these prosecutions should be instituted at the earliest possible time if they do not conflict with any policy of the State Department or other Departments of the Government. I think it has been clearly developed from investigation that these Sub-Consular Agents exercise an enormous influence on the Japanese population in the Territory and all evidence indicates the fact that they are the sources of information for the Consul and the Agents through whom he delivers his instructions to the Japanese in the Territory.

I think that if we ever hope to divorce the influence of the Consul and Tokyo from the Japanese people in the Territory of Hawaii, it should be begun immediately and that this would be one of the best steps in that direction.

During the conference with the Army and Navy and other conferences that I have had with individuals in Honolulu in reference to this situation, it is impossible to predict just what reaction the Japanese population as a whole in the Territory would have to such a step, but it is my opinion that the good that would be done would far outweigh any evil that might result.

No further action will be taken on this matter until advice is received from you.

Respectfully,

AMT:JB

ANGUS M. TAYLOR, Jr.,
*United States Attorney,
District of Hawaii.*

A true copy. Attest:
/S/ THOMAS C. HART,
*Admiral, U. S. Navy, Retired,
Examining Officer.*

Exhibit 32 (2).

WENDELL BERGE
Assistant Attorney General

DEPARTMENT OF JUSTICE,
Washington, June 13, 1941.

Re: Co 800.01B11 Registration—Koike, Yoshio

The Honorable The SECRETARY of STATE.

SIR: This will acknowledge the receipt of your letter dated June 11, 1941, in the above-entitled matter, in reply to our letter of April 10, 1941. It is understood that you have also received a number of investigative reports from the Federal Bureau of Investigation concerning Japanese consular officers in Hawaii.

The Criminal Division has concluded from the investigative reports that these individuals have acted as agents of the Japanese Government. It appears that the Japanese Government requires detailed reports concerning the lives and activities of all persons in Hawaii whom it considers as Japanese citizens. However, the Japanese Government seems unwilling to employ the necessary consular staff to carry out this program. To accomplish its purpose, it appoints numerous Japanese citizens in Hawaii as agents to aid in this work. While these agents receive no compensation from the Japanese Government, they are commissioned to act, and apparently can only act, with the consent of the Japanese

Government; their activities are for the benefit of the Japanese Government; and their work is in furtherance of matters required by the Japanese Government.

Apparently none of these agents have been notified to the Secretary of State, but there remains the question of whether or not they are "diplomatic or consular officers or attaches". It is the view of the Criminal Division that they cannot be so considered and that they have, therefore, violated Section 233 of Title 22 of the United States Code.

It is noted that you have inquired of the Japanese Embassy to ascertain whether forms have been forwarded by the Embassy to the Department of State with regard to all Japanese Government officials on whose behalf exemption is claimed from the provisions of the Act approved June 15, 1917, and certain other acts, and that you will advise us further in this matter when an answer is received from the Japanese Embassy.

The United States Attorney for the District of Hawaii has recommended that prosecutions should be instituted at the earliest possible date against these agents for violation of said Section 233, if said prosecutions do not conflict with any policy of the Department of State or other Department. He states that the good that would be done in restricting the enormous Japanese influence in Hawaii would far outweigh any evil that might result.

It will be greatly appreciated if you will advise us as soon as possible whether or not the Department of State considers these agents as "diplomatic or consular officers or attaches" and of any statement the Department of State may be pleased to make with reference to the contemplated prosecutions.

Respectfully,

For the Attorney General,

WENDELL BERGE,
Assistant Attorney General.

JUNE 26, 1941

In reply refer to
Co 800.01B11 Registration—Koike, Yoshio

The Honorable ROBERT H. JACKSON,
Attorney General.

MY DEAR MR. ATTORNEY GENERAL: I acknowledge the receipt of Mr. Berge's letter of June 13, 1941 in regard to the matter entitled "Yoshio Koike—Registration Act".

With reference to the inquiry concerning the status of Koike and other individuals whose names have been set forth in reports received from the Federal Bureau of Investigation who are said to be performing certain services on behalf of the Japanese Government in Hawaii, I may say that while this Department has no information concerning the personal status of these individuals with reference to the Japanese Government, they are not considered to have the status of diplomatic or consular officers or attaches who are accredited to this Government and, accordingly, the Department perceives no objection to the contemplated prosecution of these individuals for violation of the provisions of Title VIII of the Act of June 15, 1917 (Title 22, United States Code, section 233).

Sincerely yours,

DEAN ACHESON,
Assistant Secretary.

CR Co:EDK:MJY PR LE FE PA/H A-B

DEPARTMENT OF STATE,
DIVISION OF FAR EASTERN AFFAIRS,
August 13, 1941.

JWB
PA/H
MMH

In reference to the attached file, 800.01B11 Registration Koike, Yoshio/8, you may note that:

Under date June 26, 1941, the Department wrote to the Attorney General, in reference to reports received from the Federal Bureau of Investigation concerning the performing of certain services in Hawaii on behalf of the Japanese

Government, stated that the Department perceives no objection to prosecution of the persons concerned for violation of the provisions of the Act of 1917 requiring the notification to the Department of agents of foreign governments.

The Secretary of War, in a letter of July 25, 1941, to the Attorney General on the same subject, expressed opposition to the proposed prosecutions and strongly recommended that a warning be issued to any unregistered Japanese Consular agents.

A copy of the July 25 letter of the Secretary of War was supplied to this Department by the Department of Justice under cover of a letter of August 4, 1941, which states that the enclosure is being transmitted to this Department for its "information". The Department of Justice does not indicate what is to be its decision in the matter of the proposed prosecutions; but the fact that the objections of the Secretary of War are communicated to the Department gives rise to the inference that the Department of Justice is not at present contemplating proceeding with the prosecutions.

800.01Z11 Registration Koike, Yoshio/S
FE: Coville: MBW

WENDELL BERGE
Assistant Attorney General

DEPARTMENT OF JUSTICE,
Washington, August 4, 1941.

Re: Japanese Consular Agents in Hawaii, Your File Co. 800.01B11—Registration, Koike, Yoshio

The Honorable, the SECRETARY OF STATE:

SIR: Reference is made to your letter dated June 26, 1941, concerning the prosecution of Japanese consular agents in Hawaii under Section 233 of Title 22, United States Code.

There is inclosed herewith for your information a photostatic copy of a letter dated July 25, 1941, from the Secretary of War, concerning this matter.

Respectfully,

/s/ WENDELL BERGE,
Assistant Attorney General.

WAR DEPARTMENT,
Washington, July 25, 1941.

The Honorable The ATTORNEY GENERAL.

DEAR MR. ATTORNEY GENERAL: Upon receipt of your letter of July 14, 1941 on the subject of the prosecution of certain unregistered Japanese consular agents in the Territory of Hawaii I dispatched a secret radiogram to the Commanding General, Hawaiian Department, directing him, to radio his recommendations stating clearly his reasons and objections if any to the proposed prosecutions.

A paraphrased copy of his reply is attached hereto.

I concur in the statements and objections set forth by the Commanding General, Hawaiian Department, and strongly recommend that a warning be issued to these unregistered Japanese consular agents, through their accredited Consul General in Honolulu, to register by a certain date, say within a period of thirty days after promulgation of the warning, under penalty of prosecution for violation of our laws.

I believe that such a warning will effect the desired registration and contribute materially toward the Commanding General's campaign to secure the loyalty of the Japanese population of the Territory.

Sincerely yours,

/s/ HENRY L. STIMSON,
Secretary of War.

1 Inclosure: Paraphrase of Radiogram.

PARAPHRASE OF CODE RADIOGRAM RECEIVED AT THE WAR DEPARTMENT AT 9:58,
JULY 22, 1941

Hawaii, filed July 21, 1941.

We are at present engaged in a counter propaganda campaign whose object is to encourage loyalty of the Japanese population of Hawaii on promise of fair treatment. The present outlook of results of this campaign on entire population is very favorable. Success of the campaign would promote unity and greatly reduce proportions of our defense problem. Espionage Act of June 15, 1917 referred to in your radio of July 19, 1941 has been in effect here since August 1939 with no attempt at local enforcement. As result of careful survey of situation, considering available facts and opinions FBI and other Federal agencies I believe not over ten per cent of the unregistered consular agents in Hawaii are aware they have violated our laws. I believe further that prosecution at this time would unduly alarm entire population and jeopardize success our current campaign to secure loyalty Japanese population.

In my opinion fair play demands that warnings be given to consular agents to register by a certain date on penalty of prosecution. I believe development of loyalty among Japanese population more important than punishment of a few individuals. It is impracticable to place total Japanese population of one hundred sixty thousand in concentration camps.

SHORT.