

The original documents are located in Box 20, folder “JL 1-1: Pardon - Tokyo Rose (Iva Toguri) (3)” of the Kenneth Lazarus Files at the Gerald R. Ford Presidential Library.

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THE WHITE HOUSE
WASHINGTON

From: Robert T. Hartmann



To: Philip Buchen

Date: December 2, 1976 Time: a.m.
p.m.

Per our telephone conversation.

Thanks!



THE WHITE HOUSE
WASHINGTON

December 2, 1976

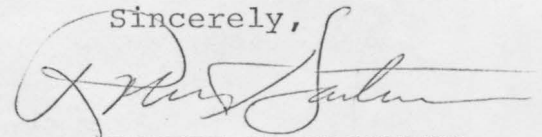
Dear Dr. Uyeda:

Thank you for sending to me the correspondence and background on the Mrs. Iva Toguri d'Aquino case.

I have forwarded the package of material to Mr. Philip Buchen, Counsel to the President, who handles these matters.

With kind regards.

Sincerely,



ROBERT T. HARTMANN
Counsellor to the President

Dr. Clifford I. Uyeda
Chairman
Japanese American Citizens League
1765 Sutter Street
San Francisco, California 94115

cc: Mr. Wayne Horiuchi



THE WHITE HOUSE
WASHINGTON

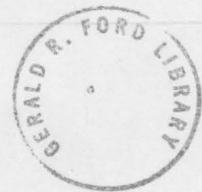
November 18, 1976

Mr. Hartmann:

Wayne Horiuchi of the Japanese
American Citizens League called.
223-1240.

He would like to have an appointment
with you (along with David Ushio,
National Director of the organization)
the week after Thanksgiving to discuss
a Presidential pardon for Tokyo Rose.
(see attached correspondence).

Gail



**COMMITTEE FOR IVA TOGURI
OF THE
JAPANESE AMERICAN CITIZENS LEAGUE**

JACL Headquarters Bldg.
1765 Sutter Street
San Francisco, California 94115

Attorney Wayne M. Collins,
Consultant

Clifford I. Uyeda, M.D.
Chairman

Partial Listing -

November 18, 1976

Individual Endorsements:

Gov. George A. Ariyoshi, Hawaii
Mayor Tom Bradley, Los Angeles
Rep. Yvonne B. Burke, California
Lt Gov. Melvyn Dymally, California
Secretary of State March Fong Eu, Calif.
Rep. Donald M. Fraser, Minnesota
Prof. S.I. Hayakawa, S.F. State Univ.
Rep. Spark M. Matsunaga, Hawaii
Rep. Abner J. Mikva, Illinois
Assemblyman S. Floyd Mori, California
Mayor George R. Moscone, San Francisco
Rep. B.F. Sisk, California
Atty Gen. Evelle J. Younger, California

Mr. Robert T. Hartmann,
Counsellor to the President
The White House
1600 Pennsylvania Ave., N.W.
Washington, D.C. 20500

Organizational Endorsements:

American Civil Liberties Union,
No. Calif. Chapter
Americans for Democratic Action,
No. Calif. Chapter
California State Legislature
National Council of the
Churches of Christ
San Francisco Board of Supervisors
San Francisco Commission on
the Status of Women
Willard Anderson Post #2471,
VFW, Dalles, Oregon

Dear Mr. Hartmann:

Enclosed please find copy of a letter forwarded
to President Ford.

Yesterday, the official petition for presidential
pardon was mailed from the San Francisco post office to
the Pardon Attorney, Lawrence M. Traylor, as called for
in the protocol.

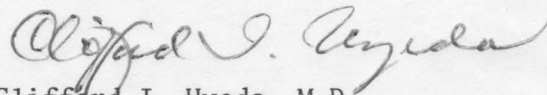
Media Editorial Endorsements:

Dayton Daily News (Ohio)
Denver Post
Honolulu Advertiser
Los Angeles Times
Minneapolis Tribune
San Francisco Chronicle
San Francisco Examiner
San Francisco KFRC-Radio
Seattle Post Intelligencer
Washington Star (D.C.)

We would greatly appreciate your assistance in
bringing this matter up to the President.

Thank you.

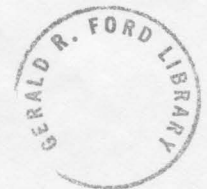
Sincerely yours,



Clifford I. Uyeda, M.D.
Chairman.

Supporting Articles:

Chicago Daily News
Chicago Tribune
Christian Science Monitor
Honolulu Star-Bulletin
National Observer
Wall Street Journal
Washington Post



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JAPANESE AMERICAN CITIZENS LEAGUE

JACL Headquarters Bldg.
1765 Sutter Street
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November 17, 1976

Partial Listing -

Individual Endorsements:

Gov. George A. Ariyoshi, Hawaii
Mayor Tom Bradley, Los Angeles
Rep. Yvonne B. Burke, California
Lt Gov. Melvyn Dymally, California
Secretary of State March Fong Eu, Calif.
Rep. Donald M. Fraser, Minnesota
Prof. S.I. Hayakawa, S.F. State Univ.
Rep. Spark M. Matsunaga, Hawaii
Rep. Abner J. Mikva, Illinois
Assemblyman S. Floyd Mori, California
Mayor George R. Moscone, San Francisco
Rep. B.F. Sisk, California
Atty Gen. Evelle J. Younger, California

Hon. Gerald R. Ford
President of the United States
The White House
Washington, D.C. 20500

Dear Mr. President:

The petition for pardon for Mrs. Iva Toguri d'Aquino was filed this morning by her attorney, Wayne M. Collins.

Senator-elect Dr. S. I. Hayakawa had earlier brought to your office informations pertaining to the case. As you know Mrs. d'Aquino was convicted of treason as "Tokyo Rose" in 1949 following the most incredible chain of circumstances.

Researchers, including the media, have concluded that it was the "legend of Tokyo Rose" and not an individual that was convicted.

Mrs. d'Aquino has served her time and has paid her fine. In spite of over 30 years of suffering, abuse and humiliation, she has remained steadfastly loyal to the United States.

In this bicentennial year when we are celebrating the glories of our nation conceived in justice and fair play for all, we urge you to pardon Mrs. d'Aquino with a statement of her innocence and restore her cherished American citizenship.

We withheld the filing of the petition for pardon until after election because we did not want you to be confronted with the problem during your busy election campaign.

Sincerely yours,

Clifford I. Uyeda
Clifford I. Uyeda, M.D.

Organizational Endorsements:

American Civil Liberties Union,
No. Calif. Chapter
Americans for Democratic Action,
No. Calif. Chapter
California State Legislature
National Council of the
Churches of Christ
San Francisco Board of Supervisors
San Francisco Commission on
the Status of Women
Willard Anderson Post #2471,
VFW, Dalles, Oregon

Media Editorial Endorsements:

Dayton Daily News (Ohio)
Denver Post
Honolulu Advertiser
Los Angeles Times
Minneapolis Tribune
San Francisco Chronicle
San Francisco Examiner
San Francisco KFRC-Radio
Seattle Post Intelligencer
Washington Star (D.C.)

Supporting Articles:

Chicago Daily News
Chicago Tribune
Christian Science Monitor
Honolulu Star-Bulletin
National Observer
Wall Street Journal
Washington Post



MRS. IVA TOGURI d'AQUINO

"TOKYO ROSE"

CONTENT:

- 1) Cover letter.
- 2) List of supporters -
 - a) Media editorials.
 - b) Individuals.
 - c) Organizations.
- 3) List of recent (1976) editorials and articles.
- 4) Copies of articles and editorials:
 - a) Wall Street Journal: - "The Case of 'Tokyo Rose'"
- Letter to the editor by former CIC investigating officer.
 - b) Denver Post: "Clemency Due Tokyo Rose Case"
 - c) Honolulu Advertiser: "Case of 'Tokyo Rose'"
 - d) San Francisco Chronicle: - "Afterthought on 'Tokyo Rose'"
- "'Tokyo Rose' Juror Urges Pardon"
 - e) Washington Star (D.C.): "'Tokyo Rose,' echo of history"
 - f) San Francisco Examiner: "Strange Case of Tokyo Rose"
 - g) Los Angeles Times: "A War with a Legend"
 - h) Chicago Tribune: "Tokyo Rose Accusers: We were forced to lie"
 - i) Los Angeles Times: "A plea that should be heard"
 - j) Minneapolis Tribune: "'Tokyo Rose' should be pardoned"
 - k) San Francisco Examiner: "Pardon Tokyo Rose"
 - l) Jungler (publication of the 41st Infantry Division Association)
- 5) Copies of letters of endorsements from - (chronological order)
 - a) Governor George R. Ariyoshi of Hawaii.
 - b) Dr. E. Rae Hudspeth, former Public Health Service officer at the Federal Reformatory for Women, Alderson, West Virginia, where Mrs. d'Aquino was imprisoned.



- c) Congressman John Krebs (Fresno, Calif.)
 - d) Congressman B. F. Sisk (Fresno, Calif.)
 - ø) Congressman Spark M. Matsunaga (Senator-elect) (Hawaii)
 - f) Calif. State Assemblyman Paul T. Bannai (Gardena).
 - g) Secretary of State March Fong Eu of Calif.
 - h) National Council of the Church of Christ (N.Y.)
 - i) Congressman Donald M. Fraser (Minnesota).
 - j) Willard Anderson Post No. 2471, VFW, Dalles, Oregon.
 - k) Professor (Senator-elect) Samuel I. Hayakawa (Calif.)
 - l) Lieut. Governor Melvyn Dymally of Calif.
 - m) San Francisco Board of Supervisor president, Quenton L. Kopp.
 - n) Mayor George R. Moscone of San Francisco.
 - o) Resolution of the City and County of Honolulu.
 - p) Mayor Tom Bradley of Los Angeles.
 - q) Congresswoman Yvonne B. Burke (Inglewood, Calif.)
 - r) VFW Nisei Post 89585, Sacramento, Calif.
 - s) VFW Nisei Memorial Post 1629, Monterey Peninsula, Calif.
 - t) American Veterans Committee.
- 6) Documents from Justice Department obtained thru Freedom of Information Act.



SUPPORTERS OF PRESIDENTIAL PARDON
FOR IVA TOGURI d'AQUINO.

Media (Editorials):

- 01/08/76 - Denver Post.
- 02/06/76 - Honolulu Advertiser.
- 02/09/76 - San Francisco Chronicle.
- 02/15/76 - Washington Star (D.C.)
- 02/19/76 - Valley News (San Fernando, Calif.)
- 03/02/76 - Seattle Post Intelligencer.
- 03/04/76 - San Francisco Examiner.
- 03/07/76 - Los Angeles Times.
- 03/29/76 - San Francisco KFRC-Radio.
- 04/22/76 - Los Angeles Times.
- 06/03/76 - San Francisco Examiner.
- 06/27/76 - Dayton Daily News (Ohio).

Individuals (statements made):

- 02/18/76 - Governor George R. Ariyoshi, Hawaii.
- 02/24/76 - Congressman John Krebs, California.
- 03/20/76 - Dr. S. I. Hayakawa.
- 03/22/76 - Congressman Spark M. Matsunaga, Hawaii.
- 03/25/76 - Assemblyman Paul T. Bannai, California.
- 04/08/76 - Congressman B. F. Sisk, California.
- 04/09/76 - Secretary of State March Fong Eu, California.
- 05/04/76 - Congressman Abner J. Mikva, Illinois.



- 05/12/76 - Congressman Donald M. Fraser, Minnesota.
- 05/20/76 - Assemblyman S. Floyd Mori, California.
- 05/23/76 - Attorney General Evelle J. Younger, California.
- 06/01/76 - City and County Supervisor Quenton L. Kopp, San Francisco.
- 06/ /76 - County Supervisor Kenneth Hahn, Los Angeles.
- 06/02/76 - State Senator Milton Marks, California.
- 06/29/76 - Lieut. Governor Melvyn Dymally, California.
- 07/10/76 - Mayor George Moscone of San Francisco.
- 08/06/76 - Mayor Tom Bradley of Los Angeles.
- 08/19/76 - Congresswoman Yvonne B. Burke, California.
- 10/04/76 - Assemblyman Vic Fazio, California.

Organizations:

- 03/09/76 - San Francisco Commission on the Status of Women.
- 03/11/76 - American Civil Liberties Union, Northern Calif. Chapter.
- 04/22/76 - Americans for Democratic Action (ADA), Northern Calif. Chapter.
- 05/05/76 - National Council of the Churches of Christ.
- 05/12/76 - Veterans of Foreign Wars of the United States (VFW),
Willard Anderson Post #2471, Dalles, Oregon.
- 06/24/76 - California State Legislature: Assembly 60-0, Senate 22-0.
- 07/06/76 - San Francisco Board of Supervisors.
- 07/09/76 - 41st Infantry Division Association.
- 07/14/76 - Council of the City and County of Honolulu, Hawaii.
- 09/16/76 - Los Angeles City Council.



09/28/76 - San Jose (Calif.) City Council.

09/28/76 - Human Relations Commission of the County of Santa Clara, Calif.

10/01/76 - VFW Nisei Memorial Post #1629, Monterey Peninsula, Calif.

10/05/76 - VFW Nisei Post #8985, Sacramento, Calif.

11/13/76 - American Veterans Committee.



DENVER POST (Robert Pattridge, editorial page editor)

01/08/76 - "Clemency Due in 'Tokyo Rose' Case"

"It is time for clemency. It is past time....Iva Toguri d'Aquino, victim of a legend, has paid a price deserving of renewed American citizenship."

SAN FRANCISCO CHRONICLE (Jerry Carroll & Keith Power)

02/04/76 - "Was 'Tokyo Rose' Really a Patriot?"

02/05/76 - "How the Tokyo Rose Myth was Created"

02/06/76 - "The Trial of 'Tokyo Rose'--A Tragedy of Error?"

02/09/76 - Editorial: "The Afterlight on Tokyo Rose"

"In the light of the facts shown in the Chronicle review of this sorry case, President Ford should grant her pardon. She will be 60 years old on the Fourth of July."

02/16/76 - "'Tokyo Rose' Juror Urges a Pardon"



WALL STREET JOURNAL (Edwin McDowell)

02/06/76 - "The Case of 'Tokyo Rose'"

"Convicted of treason 20 years ago, she still maintains her innocence. And she's probably right."

"...a presidential pardon...would be tacit acknowledgement that in singling her out, the government...was punishing a legend rather than the human being who stood in the dock of justice."

HONOLULU ADVERTISER

02/06/76 - Editorial: "...a valuable service, both real and symbolic, would be done by restoring to Mrs. Iva Toguri d'Aquino her American citizenship."

03/09/76 - "'Tokyo Rose' case. Ariyoshi calls for pardon" (Peter Rosegg)

WASHINGTON STAR (D.C.)

02/15/76 - Editorial: "After reading Mr. McDowell's article, we are persuaded that the case of 'Tokyo Rose' does merit official consideration.

"It is consonant with our sense of justice to re-examine whether injustice was done. Acknowledging error is a mark of maturity, in nations as in individuals."

SAN FRANCISCO EXAMINER (Dexter Waugh)

02/23/76 - "Clemency at Last for Tokyo Rose? Young Collins Will Try"

03/04/76 - Editorial: "The Strange Case of Tokyo Rose"

"...this country should look once more at the strange case of Tokyo Rose. If the facts are what they seem to be, a presidential pardon should be granted....And it would be a tacit acknowledgement that the government singled her out and punished a legend, rather than a human being."

SEATTLE POST INTELLIGENCER

03/02/76 - Editorial: "The Strange Case of Tokyo Rose"

(Identical to the San Francisco Examiner editorial)

CHICAGO TRIBUNE (Linda Witt)

02/23/76 - "Was Tokyo Rose ally or enemy?"

02/24/76 - "Was Tokyo Rose mocking the Japanese?"

02/25/76 - "Pardon for Tokyo Rose?"

CHICAGO DAILY NEWS (Lois Wille)

02/23/76 - "The saga of Tokyo Rose: Was she really a traitor?"

CHICAGO SUN-TIMES (Michael Miner)

02/26/76 - "Japanese Americans take up fight to clear Tokyo Rose"

LOS ANGELES TIMES (Harriet Stix)

02/24/76 - "Tokyo Rose: Propagandist or Pawn?"

03/07/76 - Editorial: "At War With a Legend"

"Iva Toguri d'Aquino was convicted of treason under perhaps the most widely misunderstood set of circumstances that ever brought any American into court on that charge."

"A presidential pardon would be an act of grace by the government."

SAN FRANCISCO BAY GUARDIAN (Dean Lipton)

03/05/76 - "The Press and 'Tokyo Rose'

How a trumped-up journalistic scoop led to three decades of injustice"



WASHINGTON POST (Nicholas von Hoffman)

03/10/76 - "Trial with Error? Sleep Tight Tokyo Rose"

NEWSWEEK

03/22/76 - "Pardon for Tokyo Rose?"

REGISTER AND TRIBUNE SYNDICATE (S. I. Hayakawa)

03/20/76 - "The Woman Who was Not 'Tokyo Rose'"

"None of the 27 prisoners of war who broadcast on Radio Tokyo was punished by his government. In fact, Captain Ince had been promoted to Major immediately after his liberation, apparently for doing the same kind of work at Radio Tokyo for which Mrs. d'Aquino was tried for treason."



03/27/76 - "A Pardon for Iva Toguri d'Aquino"

"I believe that a pardon is long overdue for Iva Toguri d'Aquino, a loyal American throughout, despite the injustices she has suffered."

CHICAGO TRIBUNE (Ronald Yates, Tribune Far East correspondent in Tokyo)

03/22/76 - "Tokyo Rose's accusers claim U.S. forced them to lie"

"We had no choice," said one of the witnesses whose damaging testimony helped send Iva Toguri d'Aquino to prison for six years and two months. "U.S. Occupation Army police came and told me I had no choice but to testify against Iva, or else."

"We were told what to say and what not to say two hours every morning for a month before the trial started."

"Even though I was a government witness against her, I can say today that Iva Toguri d'Aquino was innocent--she never did anything treasonable."

"I've heard Iva is very bitter about our testimony. I understand her bitterness and I feel she has a right to feel that way. I just wish I had the opportunity to talk with Iva and tell her why we had to do it."

"We were told that if we didn't cooperate, Uncle Sam might arrange a trial for us too....So we cooperated and we did what we were told and now many of us have guilty conscience because of it."

03/23/76 - "Tokyo Rose 'just a scapegoat': husband"

UPI, TOKYO (Leslie Nakashima)

03/26/76 - "Tokyo Rose said war fantasy victim"

CHICAGO TRIBUNE (Linda Witt)

04/01/76 - "'Tokyo Rose' decides to talk"

"After being slapped around for 30 years, what am I suppose to think when they suddenly discover I was innocent after all?"

"I didn't abandon this country. Wayne Collins used to say it abandoned me....But it's been a lonely and solitary life."

LOS ANGELES HEARLD-EXAMINER (AP)

03/07/76 - "The Strange Case of Tokyo Rose"

SAN JOSE NEWS

03/05/76 - Duplicate of article from Chicago Sun-Times.

CHRISTIAN SCIENCE MONITOR (Robert M. Press)

03/26/76 - "'Tokyo Rose' conviction brought under scrutiny."

WASHINGTON POST (Joel D. Weisman)

03/28/76 - "Voice From Out of the Past"

"I had faith in the system. And even after what happened to me I believe in this country. If the trial were held again today, I'm sure I would be found innocent."

NEVADA STATE JOURNAL (Jack Stevenson)

04/04/76 - "Iva d'Aquino: Wash She a Traitor or Scapegoat?"

NATIONAL OBSERVER (Bruce Koon)

04/03/76 - "'Tokyo Rose,' Three Decades Later"



"Perhaps the President will have the courage to review her case and restore her American citizenship. Then we can witness whether there are residual feelings of sickness and weariness in this country; or whether there is enough moral resilience to grant a tiny bit of respect for this woman."

"I think there's a little magic left in this country. Maybe just enough to bury Tokyo Rose and recognize and honor Iva Toguri d'Aquino."

northwest access (Assoc. Students of the University of Washington, Seattle)

March/April 1976 - "'Tokyo Rose' - The Estranged American" (Mary Parker)

ROCKY MOUNTAIN NEWS (Denver, Colorado)

4/11/76 - "Tokyo Rose: 30 years later, the possibility of a pardon"

This Linda Witt's article originally appeared in Chicago Tribune, 4/1/76, under the title: "'Tokyo Rose' decides to talk"

LOS ANGELES TIMES (Editorial)

4/22/76 - "A Plea That Should be Heard"

"It is evident that Mrs. d'Aquino was convicted unfairly by prejudicial wartime sentiment that still prevailed at the time of her trial. That justice can be alleviated by granting her the pardon she seeks, to restore her citizenship."

HONOLULU ADVERTISER

4/23/76 - "Matsunaga says pardon d'Aquino"

"On the basis of evidence which has come to light in recent months, her conviction of 1949 of the crime of treason represented a serious miscarriage of justice."

"Her years of suffering cannot be obliterated, but that suffering can be partially assuaged by restoring to her that which she has always prized above all else--her U.S. citizenship."

CINCINNATI ENQUIRER

5/5/76 - Linda Witt and Ronald Yates articles from the Chicago Tribune reprinted.



PORTLAND SCRIBE (Oregon) (Sue Sargent)

5/20/76 - "Tokyo Rose: legend/victim"

MINNEAPOLIS TRIBUNE (Editorial)

5/25/76 - "'Tokyo Rose' should be pardoned"

SAN FRANCISCO EXAMINER (Editorial)

6/3/76 - "Pardon Tokyo Rose"

"Of all the petitions for pardons on President Ford's desk, none perhaps is more deserving than that for Iva Toguri d'Aquino....

"As noted before in this space, she apparently was not a turncoat but a scapegoat, the victim of postwar hysteria.

"The Japanese American Citizens League has tried to keep its campaign in behalf of Mrs. d'Aquino out of presidential politics. It would be fitting indeed, though, if Mr. Ford pardoned Mrs. d'Aquino now, restoring her citizenship before her 60th birthday, which falls on July 4."

HONOLULU STAR-BULLETIN

6/17/76 - (Hank Sato) "Tokyo Rose called victim of hysteria; Presidential pardon sought this year."

6/18/76 - "California Secretary of State backs d'Aquino pardon"

VALLEY NEWS, San Fernando, Calif. (Editorial)

2/29/76 - "Tokyo Rose review warrented"

SAN FRANCISCO EXAMINER (Dexter Waugh)

2/24/76 - "New evidence that Tokyo Rose was framed"

(Based on documents obtained from U.S. Justice Dept and FBI files under the Freedom of Information Act.)

HONOLULU ADVERTISER (Peter Rosegg)

"Tokyo Rose and me. Norman Reyes' story"

6/27/76 - "FBI coercion at d'Aquino trial?
"Jury didn't hear witness' story of Iva d'Aquino.
"The story behind Reyes-d'Aquino story."
"A case for justice" (Editorial)



6/28/76 - "Trying to outwit radio censors - under the gun in wartime Japan.
"d'Aquino trial and the overeager judge."

6/29/76 - "Trapped inside hostile Japan and his duties at Radio Tokyo"

DAYTON DAILY NEWS (Ohio) (Editorial)

6/27/76 - "Free Tokyo Rose"

SAN JOSE MERCURY (Aramando Acuna)

9/7/76 - "Tokyo Rose: Is 27 Years Enough?"

JUNGLEER (publication of the 41st Infantry Division Association)

July 1976 - "41sters: Tokyo Rose should be pardoned"

"If it were in the power of the 41sters, Mrs. d'Aquino-- 'Tokyo Rose'--would be pardoned as promptly as Washington's bureaucratic tape would allow. In fact, there isn't a single man in the 41st Infantry Division who thinks she should have been tried and punished in the first place. The case is considered a travesty on justice and a blot on our postwar behavior."

"When the question of pardon was brought up at the annual Association meeting in Dearborn (Michigan) a few weeks ago (July 8-9; more than 500 41sters attended), it was unanimously agreed to put the Association on the record as being in favor of an immediate pardon."



The Case of 'Tokyo Rose'

By EDWIN McDOWELL

zona (where her mother died soon after- acts of treason, opened in July 1948, lasted

THE WALL STREET JOURNAL, FRIDAY, FEB. 6, 1976

money, and in any case her family had been relocated to a detention camp in Ari-

jury.

The trial, charging her with eight overt

Mr. McDowell is a member of the Journal's editorial page staff.

Letters to the Editor of the Journal

George S. Guysi; Intelligence Corps officer in charge of investigations of Mrs. Iva Toguri d'Aquino after the war.

More on Tokyo Rose

Editor, *The Wall Street Journal*:



GEORGE S. GUYSI

Oklahoma City, Okla.

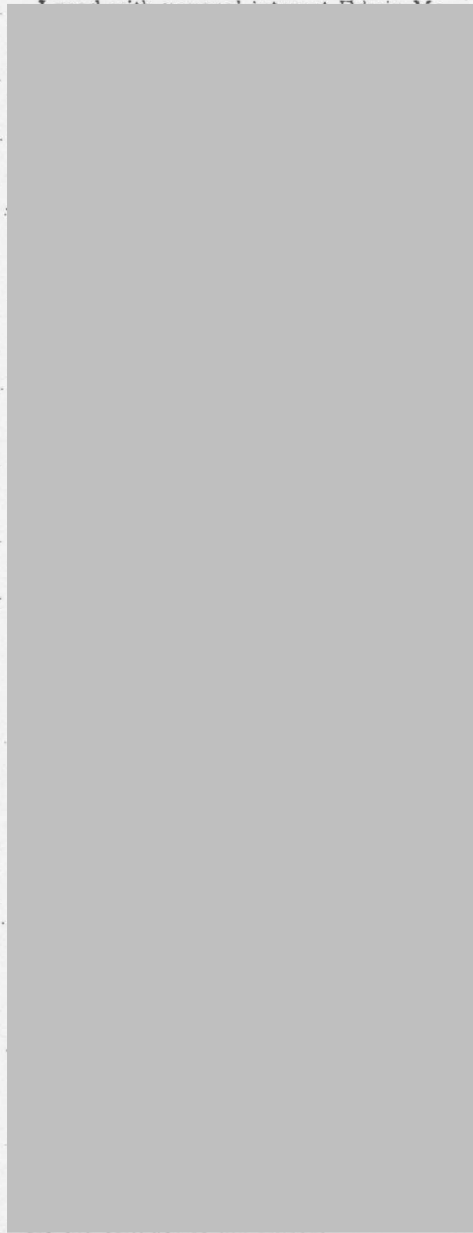


THE WALL STREET JOURNAL, Monday, Feb. 23, 1976

Letters to the Editor of the Journal

More on Tokyo Rose

Editor, *The Wall Street Journal*:



GEORGE S. GUYSI

Oklahoma City, Okla.





THE DENVER POST

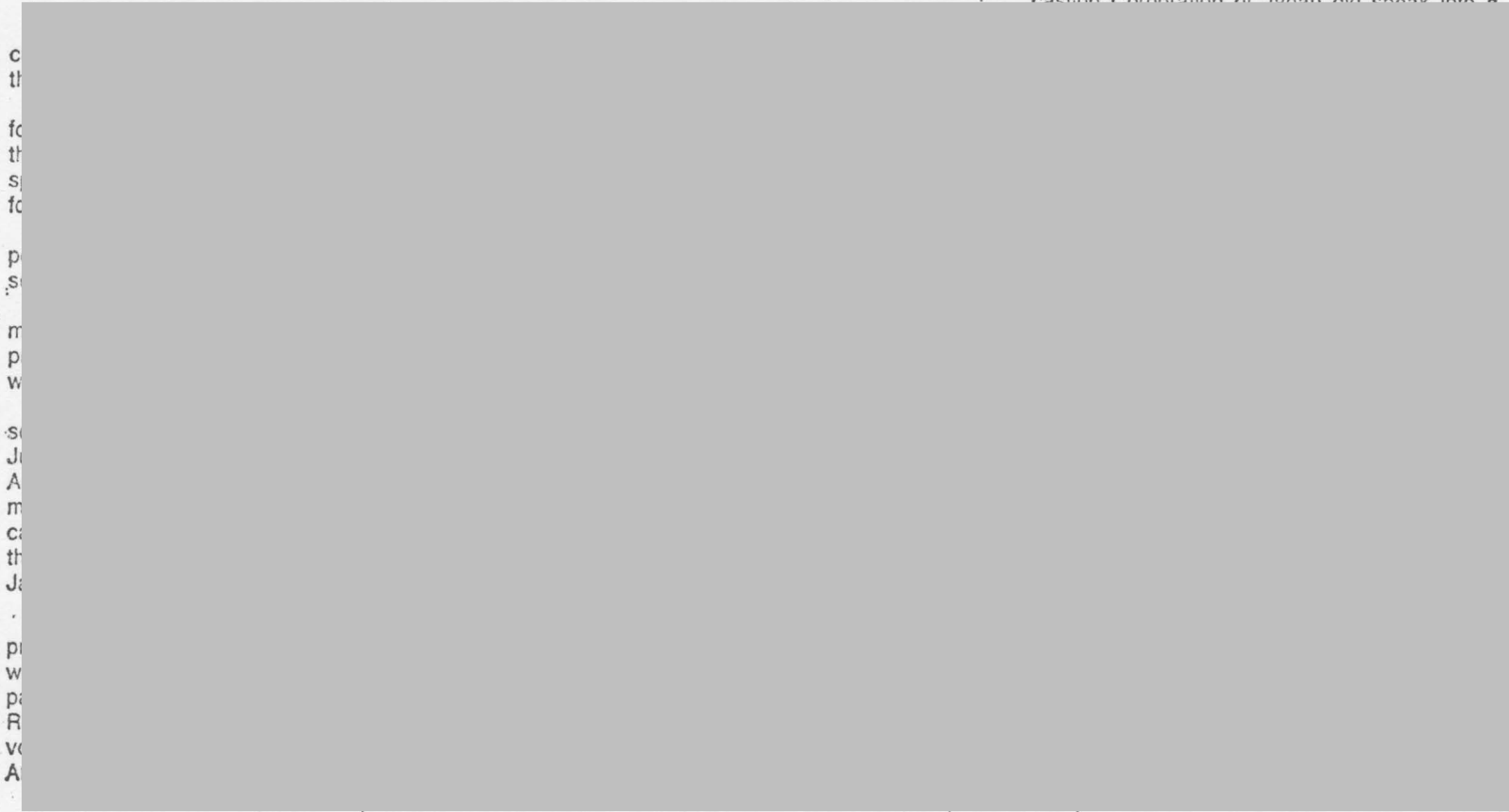
Clemency Due in 'Tokyo Rose' Case

By ROBERT PATTRIDGE

"And earthly power doth then show likest
God's,
When mercy seasons justice." —WILLIAM
SHAKESPEARE

*This opinion column is by the editorial page
editor of The Denver Post.*

guilty on one count. The jury found you guilty of
one overt act: "That on a day during October
1944, the exact date being to the Grand Jurors
unknow, defendant in the offices of the Broad-
casting Corporation of Japan did speak into a



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Mon., Feb. 9, 1976

San Francisco Chronicle

THE VOICE OF THE WEST

Founded 1865 by Charles and M. H. de Young
George T. Cameron, Publisher 1925-55

Charles de Young Thieriot
Editor and Publisher


Gordon Pates
Managing Editor

Richard Thieriot
Associate Editor

Templeton Peck
Editorial Page Editor

Editorials

The Afterlight On Tokyo Rose



San Francisco Chronicle

The Largest Daily Circulation in Northern California

★★★★

MONDAY, FEB. 16, 1976

777-1111

'Tokyo Rose' Juror Urges a Pardon

By Jerry Carroll and Keith Power

been whipped up during World

Back Page Col. 2



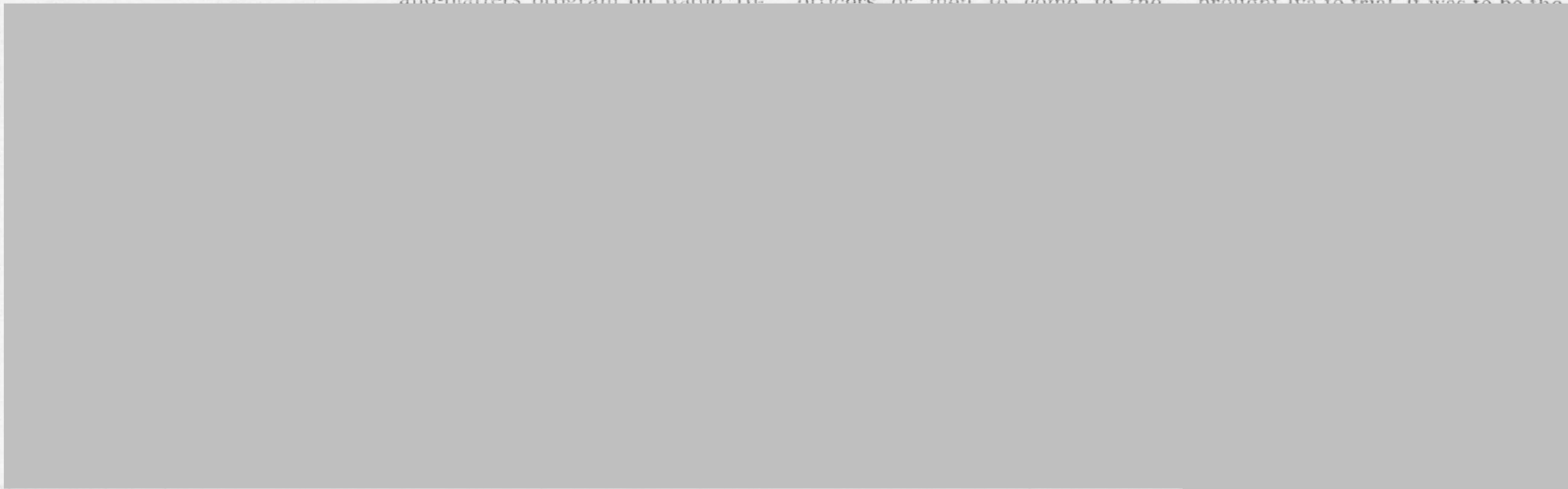
'TOKYO ROSE' JUROR URGES PARDON

From Page 1

The host of a bland chatter-
and-platters program on Radio To-

"The Army forbade any of its
officers or men to come to the

despite the Army findings, and
brought her to trial. It was to be the



Page 16 San Francisco Chronicle
Monday, February 16, 1976



The Washington Star

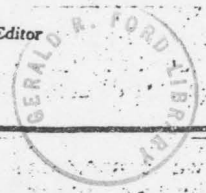
JOEL ALBRITTON, *Publisher*

JAMES G. BELLOWS, *Editor*

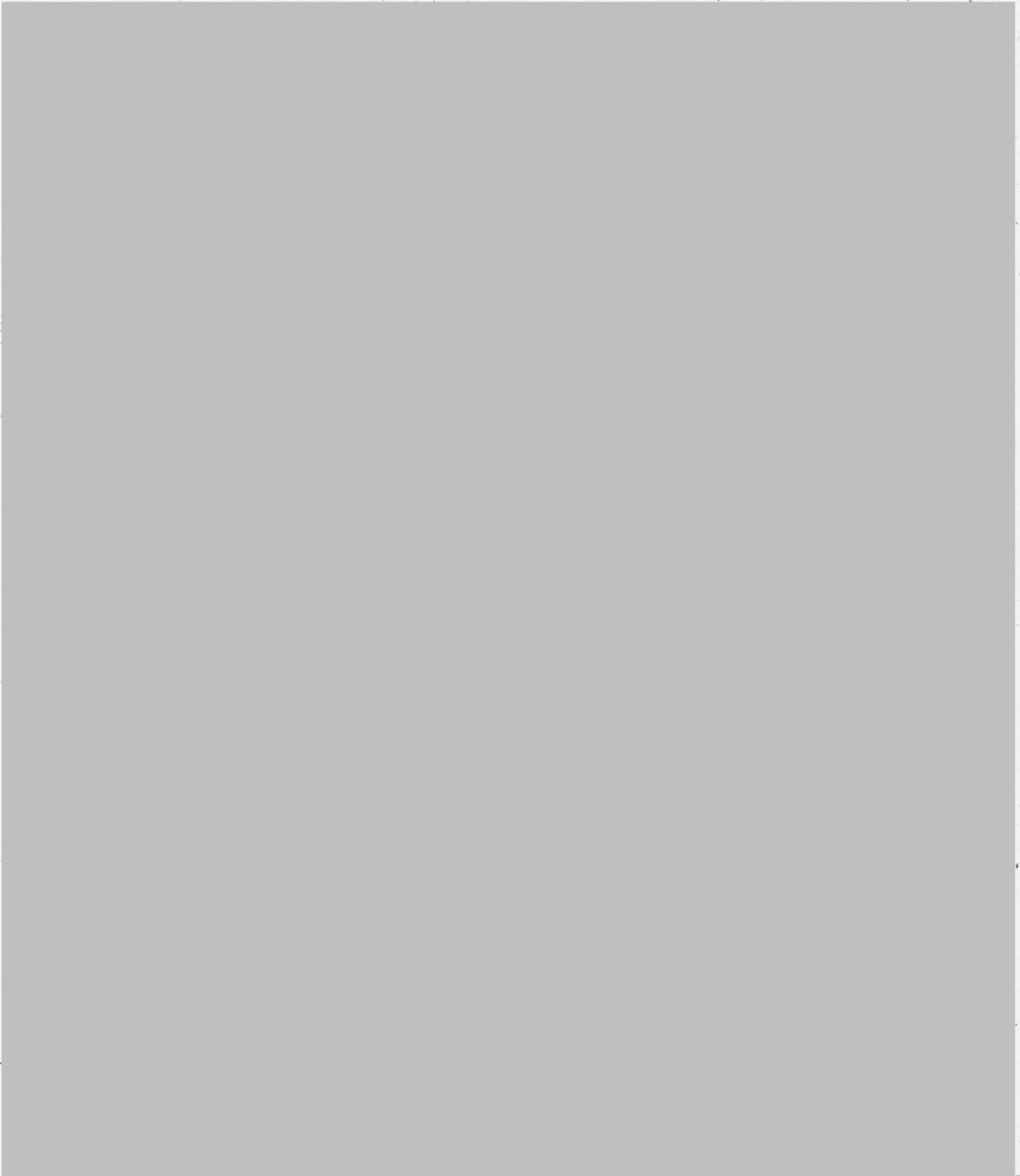
SIDNEY EPSTEIN, *Managing Editor*

EDWIN M. YODER JR., *Associate Editor*

SUNDAY, FEBRUARY 15, 1976



'Tokyo Rose,' echo of history



Identical editorial
in Seattle Post-Intelli-
gencer, 3/2/76.

OPINION

San Francisco Examiner

Page 28 ☆ Thursday, Mar. 4, 1976

Strange Case of Tokyo Rose





ROBERT C. LOBDELL, Vice President and General Counsel
VANCE L. STICKELL, Vice President—Sales

JAMES BASSETT, Associate Editor
ANTHONY DAY, Editor of the Editorial Pages
ROBERT J. DONOVAN, Associate Editor
FRANK P. HAVEN, Managing Editor
JEAN SHARLEY TAYLOR, Associate Editor

2—PART IX

SUNDAY MORNING, MARCH 7, 1976

At War With a Legend

Los Angeles Times

HARRISON GRAY OTIS, 1882-1917
HARRY CHANDLER, 1917-1944
NORMAN CHANDLER, 1944-1960

OTIS CHANDLER, Publisher

ROBERT D. NELSON

Executive Vice President and General Manager

WILLIAM F. THOMAS

Executive Vice President and Editor

CHARLES C. CHASE, Vice President—Production

ROBERT L. FLANNES, Vice President and Assistant to the Publisher



Chicago Tribune

THE WORLD'S GREATEST NEWSPAPER

Monday, March 22, 1976



7 Star Final

6 Sections 15¢

Tokyo Rose
accusers:
We were
forced to lie

Page 15



She was innocent, they say

Tokyo Rose's accusers claim

U.S. forced them to lie



Key Japanese witnesses in the Tokyo Rose trial, interviewed by Tribune Tokyo Correspondent Ronald Yates, told him they had never talked with the press about their roles in her conviction. This is the first of two stories on Tokyo Rose.

By Ronald Yates

Far East correspondent
Chicago Tribune Press Service

Among the American-born witnesses at the trial were Kenichi Oki, 63, who was production manager of the "Zero Hour," and George Mitsushio, 71, who was program director for Radio Tokyo's English-language broadcasts. They provided some of the most damaging testimony against Mrs. d'Aquino.

BOTH OKI AND Mitsushio, who were born in California and who eventually became Japanese citizens, live today in Tokyo and are successful businessmen.

One of the key Japanese witnesses

and agonizing plunge into infamy began.

"Iva never made a treasonable broadcast in her life," asserted one of her former superiors, whose testimony nevertheless helped nail down the prosecution's case 27 years ago. "She got a raw deal—she was railroaded into jail."

Such statements are 180 degrees away from those made by the same men at Mrs. d'Aquino's trial, however.

Both Mitsushio and Oki, for example, testified not only that they saw Mrs. d'Aquino commit overt acts of treason

Chicago Tribune, Tuesday, March 23, 1976

for a mammoth country like the United States to crucify a Japanese-American—all we had to do was look at Iva," he continued. "So we 'cooperated' and we did what we were told and now many of us have guilty consciences because of it."

TERUO OZASA, 54, who worked as



A Plea That Should Be Heard



— L.A. TIMES - 4-22-76

L.A. Times Editorial

4/22/76



Minneapolis Tribune



Established 1867

Charles W. Bailey Editor
Wallace Allen Managing Editor
Leonard Inskip Editorial Editor

6A

Tuesday, May 25, 1976

'Tokyo Rose' should be pardoned



OPINION

San Francisco Examiner

Page 28 ☆ Thursday, June 3, 1976

Pardon Tokyo Rose



SUPPORT BY THE 41st INFANTRY DIVISION ASSOCIATION

The 41st Infantry Division was a National Guard division from the States of Oregon, Washington, Idaho and Montana.

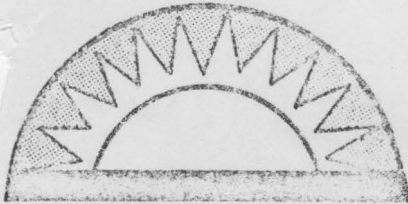
It was called to active duty in September 1940. It was the first American division to be sent overseas in World War II.

It fought its way up from Australia through numerous Pacific islands to the Philippines.

It was one of the first American units sent to Japan for the occupation.

The Association has 3,000 active members, and has held annual conventions since 1948.





JUNGLEER

VOL. XXVII, NO. 2

JULY, 1976

41sters: Tokyo
Rose should
be pardoned

Michigan 41sters score
big with '76 reunion

Cecil Ovenfelt
Bozeman, Montana
Continued on back page

unchanged. Noel K. "Nobby" O'Brien
became the immediate past president.

(See Russo's acceptance speech on page 3.)

wise you may not get that big post-
reunion issue. . . and that would be
a great shame.



Tokyo Rose pardon

Continued from page one

It's hard to believe they would pardon

**Wartime poetry
by a 41st man**





EXECUTIVE CHAMBERS

HONOLULU

GEORGE R. ARIYOSHI
GOVERNOR

February 18, 1976

The President
The White House
Washington, D.C.



Dear Mr. President:

During World War II, as you know, many Japanese-American^A in our Nation suffered shocking injustices involving seizure of property and virtual incarceration and suffered unwarranted calumny and abuse resulting from official policies. As one with some first hand^a experience, I believe that every individual was at least in some way affected by^a wave of hostile racism that swept over the Country.

Those dark days are past now and for the most part, they remain only in the memory of us, the older generation, and I suspect that our children regard them as horror stories that could never happen again. Many outstanding Americans have expressed the deepest regret that such things could have occurred.

The whole nightmarish experience might be pushed permanently into the limbo except for one piece of unfinished business--the case of "Tokyo Rose."

The name evokes memories among all of us who were involved in WW II for it reminds us of a legend that has since proved, like many other legends, almost certainly false in most aspects. We do know that one woman, Iva Toguri d'Aquino, an American citizen, bore the brunt of the emotional hostility that accrued to that legend. Mrs. d'Aquino lost her freedom, her citizenship, and almost any future except basic survival.

Now, evidence has been gathered and compiled which seems to cast grave doubt that Mrs. d'Aquino was ever anything but a loyal American citizen and that she was and remains the victim of miscarriage of justice created in part by the after effect of the same wave of hostility and prejudice against Japanese-Americans that I mentioned above.

The President

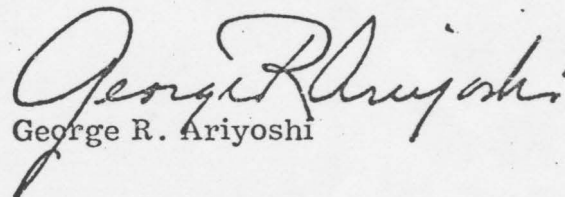
Page 2

I do not pretend to have conclusive evidence in this case, but I do believe current representations carry weight enough to merit a thorough investigation by you, Mr. President, with a view toward consideration of a pardon for Mrs. d'Aquino.

I ask that you institute such an investigation. If current representations about this case are valid, the cause of American justice may best be served by sympathetic and humane consideration, no matter how tardy.

With warm personal regards, I remain,

Yours very truly,


George R. Ariyoshi





EXECUTIVE CHAMBERS
HONOLULU

GEORGE R. ARIYOSHI
GOVERNOR

February 20, 1976

Clifford I. Uyeda, M.D.
Chairman, National JAACL
Iva Toguri Committee
National Headquarters
1765 Sutter Street
San Francisco, California 94115


Dear Dr. Uyeda:

Thank you very much for your letter of January 14, 1976, regarding the case of Iva Toguri d'Aquino.

I am in wholehearted agreement that the case of this unfortunate woman should be investigated by the President with a view toward considering a Presidential pardon. Toward that end, I have written President Ford. A copy of my letter is enclosed for your interest.

With warm personal regards, I remain,

Yours very truly,


George R. Ariyoshi

Enclosure



XX*XXXXXXXXXXXXXXXXXX

XXXXXXXXXXXXX
XXXXXXXXXXXXX
XXXXXXX

February 20, 1976

Mr. Gerald Ford
President of the United States
White House
Washington, D. C.

Dear Mr. President:

I am writing in support of the petition to pardon
Mrs. Iva Toguri d'Aquino.

While in the Public Health Service, I was closely
associated with Mrs. d'Aquino at the Federal Reformatory
for Women, Alderson, W. Va. I found her faithful, cooperative,
and helpful. She seemed, even during her incarceration to
be a loyal American.

Yours truly,

E. Rae Hudspeth, M.D.

ERH/cf

cc: Mrs. d'Aquino
Japanese-American Citizens League





Telegram

NO. WDS. — CL. OF SVC.	PD. OR COLL.	CASH NO.	CHARGE TO THE ACCOUNT OF	THIS MESSAGE WILL BE SENT AS A TELEGRAM UNLESS IT IS OTHERWISE INDICATED.	PRESS		OVER NIGHT TELEGRAM
			GWA0 84664		DPR	NPR	

Send the following message, subject to the Telegraph Company's conditions, rules and regulations, which are on file with regulatory authorities.

Mr. David E. Ushio
 National Executive Director
 Japanese American Citizens League
 5415 North Clark Street
 Chicago, Illinois

AS A MEMBER OF CONGRESS, I FULLY SUPPORT THE GROWING NATIONWIDE EFFORT TO SEEK A PRESIDENTIAL PARDON FOR IVA TOGURI d'AQUINO. ON THE BASIS OF EVIDENCE WHICH HAS COME TO LIGHT IN RECENT MONTHS, HER CONVICTION IN 1949 OF THE CRIME OF TREASON REPRESENTED A SERIOUS MISCARRIAGE OF JUSTICE.

SINCE HER CONVICTION, HOWEVER, MRS. d'AQUINO HAS NOT ONLY PAID HER FINE AND SERVED A PRISON TERM, BUT SHE HAS LIVED FOR YEARS IN MENTAL ANGUISH WHILE STEADFASTLY MAINTAINING HER INNOCENCE.

HER YEARS OF SUFFERING CANNOT BE OBLITERATED, BUT THAT SUFFERING CAN BE PARTIALLY ASSUAGED BY RESTORING TO HER THAT WHICH SHE HAS ALWAYS PRIZED ABOVE ALL ELSE--HER U.S. CITIZENSHIP. IN THIS BICENTENNIAL YEAR OF OUR NATION, THE GRANTING OF A PRESIDENTIAL PARDON AND THE RESTORATION OF U.S. CITIZENSHIP TO MRS. d'AQUINO WOULD DRAMATICALLY SERVE AS A SYMBOLIC ACT ON THE PART OF OUR GOVERNMENT TO DEMONSTRATE THAT OUR SYSTEM'S GREATNESS LIES IN PART IN ITS FLEXIBILITY TO RECTIFY ITS OWN ERRORS. AS A PEOPLE WHO ARE COMMITTED TO SERVING THE ENDS OF JUSTICE, ALL AMERICANS OUGHT TO JOIN IN A CONCERTED EFFORT TO SERVE JUSTICE, ONCE DENIED AND TOO LONG DELAYED IN THE CASE OF IVA TOGURI d'AQUINO.

SPARK MATSUNAGA



STATE CAPITOL
SACRAMENTO, CALIFORNIA 95814
TEL.: (916) 445-0965

DISTRICT OFFICE
1919 W. REDONDO BEACH BLVD.
SUITE 107
GARDENA, CALIFORNIA 90247
TEL.: (213) 327-5920

Assembly California Legislature

COMMITTEES:
FINANCE, INSURANCE AND
COMMERCE
JUDICIARY
REVENUE AND TAXATION
COMMISSION FOR
ECONOMIC DEVELOPMENT
JOINT COMMITTEE ON
JOB DEVELOPMENT
COMMISSION OF THE
CALIFORNIA'S

PAUL T. BANNAI
ASSEMBLYMAN, FIFTY-THIRD DISTRICT



March 25, 1976

Honorable Gerald Ford
President, United States of America
White House
Washington, D.C.

My dear Mr. President:

I have written you on various matters of concern in the past and appreciate the assistance you have given me. Now I write to ask that you look into a matter which I believe by your actions could help in righting a wrong committed many years ago.

Knowing that you are a fair person, I will give you what I feel are my thoughts relative to a miscarriage of justice in the case of Iva Toguri d'Aquino, who had the misfortune of being one of those identified as "Tokyo Rose".

After reading over much of what has been published about her, I feel that Mrs. d'Aquino is entitled to a full pardon and restoration of her rights as a citizen of the United States, which I am sure she cherishes so very much. Having served in the South Pacific during World War II, and having heard "Tokyo Rose", I still can't think of anything in my memory which would have singled out this one person, Mrs. d'Aquino, as someone to be convicted of treason. The only count of which Mrs. d'Aquino was convicted was to undermine American morale during war time, which I do not think was the case. At the very worst, I believe that she has paid any debt to society during all these years that she has maintained that she was not guilty of the things of which she was accused. I am sure that you personally do not have all the time to read of all the details of this case, but I am sure that with your large staff adequately researching this matter, you will find through their indepth study



Honorable Gerald Ford
President, United States of
America

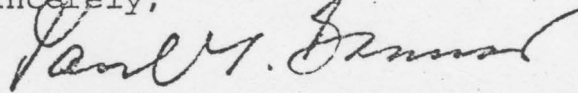
2

March 25, 1976

of the case, that Mrs. d'Aquino should be given clemency and that ;
you could right atremendous wrong to this one individual who wants
nothing more than to be a United States citizen.

In this year of 1976 when we are celebrating our Bicentennial and
have reviewed also 200 years of true American justice, I, and many
other Americans, believe that your actions of clemency for Mrs.
d'Aquino would not only be the just thing to do, but would also
restore the faith of many Americans in our great American way of
life, liberty and honor.

Sincerely,



PAUL T. BANNAI
Assemblyman, 53rd District
State of California

PTB:aj



15-7
B. F. SISK

19TH DISTRICT, CALIFORNIA

COMMITTEE ON RULES

HOUSE OFFICE BUILDING
WASHINGTON, D.C. 20518

TOMMY COELHO
ADMINISTRATIVE ASSISTANT

CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES
WASHINGTON, D.C. 20515

April 8, 1976

DISTRICT OFFICES:
BETTY L. CORNELIUS
FIELD REPRESENTATIVE

ROOM 2001, FEDERAL BUILDING
1120 O STREET
FRESNO, CALIFORNIA 93721
208-457-5204

SHIRLEY G. GIBSON

ROOM 20A, FEDERAL BUILDING
1128 "I" STREET
MADERA, CALIFORNIA 93544
208-627-1814

Mr. Fred Y. Hirasuna
Post Office Box 11801
Fresno, California 93775

Dear Fred:

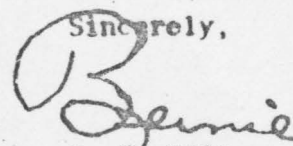
Thank you for your note and enclosed copy of a booklet published by the National Committee for Iva Toguri, Japanese American Citizens League.

I have read the booklet and certainly feel that the case of Iva Toguri is a most tragic one. I personally believe that she is deserving of a full presidential pardon and restoration of her American citizenship, but as you know, Fred, the President and only the President has pardon authority under the Constitution.

I understand that the pardon petition has not as yet been presented, presumably to avoid conflict with the forthcoming Presidential election. I have every confidence that at such time as it is presented it will be accorded the most careful and sympathetic consideration by the President.

With kind personal regards,

Sincerely,



B. F. SISK
MEMBER OF CONGRESS





Office of the Secretary of State
March Fong Eu

111 Capitol Mall
Sacramento, California 95814

Executive Office	(916) 445-6371
Certification	(916) 445-1430
Corporation Index	(916) 445-2900
Corporation Records	(916) 445-1768
Election Division	(916) 445-0820
Legal Division (Corp.)	(916) 445-0620
Notary Public Division	(916) 445-6507
State Archives	(916) 445-4293
Uniform Commercial Code	(916) 445-8061

April 9, 1976

Clifford I. Uyeda, M.D.
Chairman
National Iva Toguri Committee
Japanese American Citizens League
1765 Sutter Street
San Francisco, CA 94115

Dear Dr. Uyeda:

Please count me among the supporters of Japanese American Citizens League's efforts in behalf of Iva Toguri d'Aquino.

Please also accept my congratulations for a fine job.

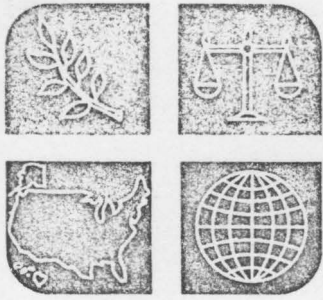
Sincerely,

A handwritten signature in cursive script that reads "March Fong Eu".

MARCH FONG EU

MFE:gsw





NATIONAL COUNCIL OF THE CHURCHES OF CHRIST IN THE U.S.A.

COMMISSION ON JUSTICE, LIBERATION
& HUMAN FULFILLMENT

475 Riverside Drive, New York, N.Y. 10027 Room 824 (212) 870-2915

William P. Thompson
President

Claire Randall
General Secretary

Jovelino Ramos
Asst. Gen. Sec.

M. William Howard
Chairman

May 5, 1976

Mr. Gerald Ford
The President of the United States
Washington, DC 20001

Dear Mr. President:

The Commission on Justice, Liberation and Human Fulfillment of the National Council of Churches has gone on record in support of the campaign of Amnesty for Iva Toquri.

Convicted 20 years ago as an accomplice in the "Tokyo Rose" incident, she has always claimed her innocence on the basis of a respectable volume of evidences.

In the light of the facts and present historical circumstances, this Commission urges you to use your presidential powers to grant her a pardon and to renew her American citizenship.

Sincerely yours,

Jovelino Ramos
Executive Director
CJLHF

/dr



THE WHITE HOUSE

WASHINGTON

May 12, 1976

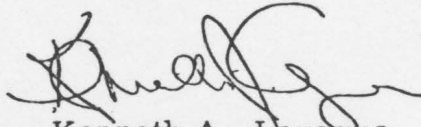
Dear Congressman Fraser:

The President has asked me to reply to your letter of April 23, 1976, recommending that he grant a pardon to Iva Toguri D'Aquino.

Iva Toguri D'Aquino filed a petition for pardon after completion of sentence in November 1968. The petition was denied in October 1969. Like any other person who has been convicted of a Federal felony, has served the sentence and been a law-abiding member of the community for several years subsequent to the completion of the sentence, she is eligible to reapply for a pardon if she chooses. However, she has not done so. If she should reapply, her petition would receive the same consideration accorded to other eligible petitioners.

Your interest in this matter is appreciated.

Sincerely,



Kenneth A. Lazarus
Associate Counsel
to the President

The Honorable Donald M. Fraser
House of Representatives
Washington, D. C. 20515



V.F.W.



WILLARD ANDERSON POST NO. 2471
The Dalles, Oregon 97058

May 12, 1976

The Honorable Bob Packwood
United States Senate
1317 Dirksen Building
Washington, D. C. 20510

Dear Senator Packwood:

We of V. F. W. Post #2471 strongly urge you to urge President Ford to give Iva Toguri (known as Tokyo Rose) a full pardon on July 4, 1976.

Wm. J. King
Tom Pymate
Michael Hoffman
Gene M. Hudson
W. J. Brown
G. J. Spe
Wm. L. Lippson
Ed Roy Ryan
Wm. E. Jones
Joe Nishimoto
Orville Crum



S. I. Hayakawa

225 ELDRIDGE AVENUE
P. O. Box 100
MILL VALLEY, CALIFORNIA 94941
415 - 383-6695

June 28, 1976

The President
The White House
Washington, D.C. 20500

My Dear Mr. President:

As you are no doubt aware, both houses of the California legislature have now asked you to pardon Iva Toguri d'Aquino and to restore her American citizenship. Having been born an American, she neither wants nor is entitled to citizenship in any other country.

After examining the history of her trial and reviewing the evidence on which Mrs. d'Aquino was tried and convicted of treason in 1949, the following newspapers have urged a pardon for her: Denver Post, San Francisco Chronicle, Wall Street Journal, Honolulu Advertiser, Washington Star, San Francisco Examiner, Seattle Post-Intelligencer, Los Angeles Times, Chicago Tribune, Chicago Daily News, Washington Post Syndicate (Nicholas von Hoffman), Register and Tribune Syndicate (S. I. Hayakawa). Other publications, including National Observer, Christian Science Monitor, and Newsweek have published stories that seriously question the justice of her conviction. My own columns on the subject are enclosed, as is the summary of the case prepared by the National Committee for Iva Toguri of the Japanese-American Citizens League.

I am sure that others have recommended that Mrs. d'Aquino's pardon be issued on her 60th birthday, which happens to fall on July 4, 1976. Since the basic reason for her conviction was that she fell into jeopardy because she refused to give up her American citizenship and to take refuge in declaring herself a Japanese national, recognition of her stubborn patriotism would be especially appropriate on this day. I hope you agree.

You were kind to receive the Republican candidates for the U.S. Senate in your office on the morning of June 16. It is an occasion that I shall always remember with pleasure.

Respectfully yours,

S. I. Hayakawa

S. I. Hayakawa

SIH/ka

Enclosures

cc: The Honorable Barry M. Goldwater, Jr.
The Honorable Hiram Fong
Dr. Clifford Uyeda ✓



(916)445-9533

June 29, 1976

The Honorable Gerald R. Ford
The White House
Washington, D.C. 20500

Dear President Ford:

As Lieutenant Governor of the State of California, I am urging you to speedily grant a full and unconditional presidential pardon to Iva Toguri d'Aquino, alleged "Tokyo Rose" of World War II.

There could be no better way and no better time to show this nation's greatness and sense of compassion than to grant such a pardon on the July 4 observance of our 200th birthday.

I am convinced that Ms. Toguri's conviction on one count of treason, and her subsequent loss of citizenship, were based on falsified and misconstrued evidence. Not only have the men who provided the most critical testimony at her trial admitted they lied; her actual broadcasts indicate there was no propaganda designed to reduce the morale of American troops in the Pacific. In fact, Iva Toguri, a U.S. citizen by birth, was in Japan to visit a sick aunt when the war broke out, and only took the broadcasting position at the urging of American POWs who convinced her that she would be able to reduce the effect of Japanese propaganda in her new job. If anything, Iva Toguri was an aid to American soldiers.



The Honorable Gerald R. Ford
June 29, 1976
Page Two

I believe that by restoring full citizenship to this native Californian, who was falsely accused, falsely tried, and falsely convicted of a crime she did not commit, we will be correcting a serious miscarriage of justice, a miscarriage of justice that is so unfortunate in this time of national celebration in honor of the 200th anniversary of our Independence.

Sincerely,

MERVYN M. DYMALLY

MMD:cw



Handwritten initials and name: QLK, Kopp, Ushio

JUL 12 1976



QUENTIN L. KOPP
PRESIDENT
Board of Supervisors

CITY HALL
San Francisco CA 94102
Telephone 558-2338 and 981-0245

July 7, 1976

Mr. David Ushio
National Executive Director
Japanese American Citizens League
1765 Sutter St.
San Francisco, CA 94115

Dear Dave:

The Board of Supervisors adopted at yesterday's Board meeting the Resolution urging the President of the United States to pardon Iva Toguri d'Aquino.

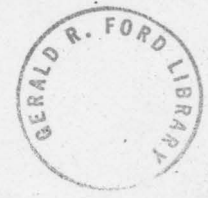
I have directed the Clerk of the Board to request that the Mayor sign this Resolution at once, so that San Francisco may be the first city in the United States to pass such a Resolution.

It was gratifying for me to be a part of the effort to seek a pardon for Mrs. d'Aquino. I sincerely hope that the effort is successful.

Sincerely yours,

Quentin L. Kopp
QUENTIN L. KOPP

QLK:kb



OFFICE OF THE MAYOR
SAN FRANCISCO

GEORGE R. MOSCONE

July 16, 1976

Clifford I. Uyeda, M.D.
Chairman, Iva Toguri Committee
Japanese American Citizens League
1765 Sutter Street
San Francisco, CA 94115

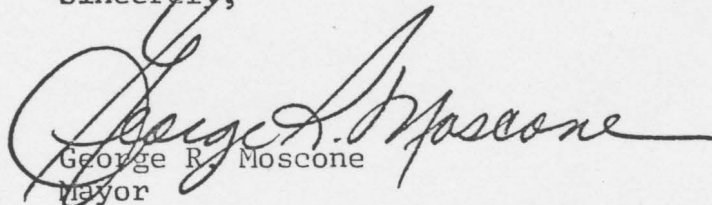
Dear Dr. Uyeda:

Thank you for your letter of July 12 regarding the conviction of Iva Toguri d'Aquino in 1949, and your concern that she be exonerated by way of Presidential pardon.

I want you to know that I share your interest in this issue, and for the reason signed into law the resolution to which you refer last Friday, July 10, 1976. I am hopeful that President Ford will see fit to grant a full pardon to Iva Toguri d'Aquino.

Thank you again for your letter and expression of concern.

Sincerely,


George R. Moscone
Mayor





OFFICE OF THE CITY CLERK
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII 96813 / TELEPHONE 523-4291

EILEEN K. LOTA, CITY CLERK
JOHN M. KAMANA, JR. DEPUTY CITY CLERK

August 2, 1976

The National Committee for Iva Toguri
1765 Sutter Street
San Francisco, CA 94115

Enclosed for your information is a Resolution which was
adopted by the Council of the City and County of Honolulu.

Eileen K. Lota

EILEEN K. LOTA
City Clerk

enclosure



RESOLUTION

PETITIONING GERALD R. FORD, PRESIDENT OF THE UNITED STATES, TO GRANT A PARDON TO IVA IKUKO TOGURI d'AQUINO.

WHEREAS, we, the members of the Council of the City and County of Honolulu, as the elected representatives of a diverse ethnic community, have dedicated ourselves to the democratic principles of liberty, justice and the pursuit of happiness, without regard to race, religion or creed that are the cornerstones of our great American republic; and

WHEREAS, this Council believes the denial of justice and freedom for one is the abnegation of these God-given rights for all Americans; and

WHEREAS, this Council feels that Iva Ikuko Toguri d'Aquino was a victim of wartime hysteria and post-war hysteria in her conviction, fine and imprisonment on a charge of treason as the mythical "Tokyo Rose," a conviction which since has been found to be undeserving and unjust; and

WHEREAS, Iva Ikuko Toguri d'Aquino served six (6) years in prison and continues to suffer immeasurably from humiliation and the loss of her citizenship as the result of her highly questionable and unjust conviction; now, therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu that Gerald R. Ford, President of these United States, be, and he is, hereby petitioned to proceed forthwith to grant a pardon to Iva Ikuko Toguri d'Aquino and to bestow all executive and other remedies available under the law as justice demands; and

BE IT FINALLY RESOLVED that the Clerk be, and she is, hereby directed to transmit copies of this resolution to The Honorable Gerald R. Ford, President of the United States; The Honorable Edward H. Levi, Attorney General, U. S. Department of Justice; Mr. Lawrence M. Traylor, Esq., Office of the Pardon Attorney, U. S. Department of Justice; Members of the Hawaii Congressional Delegation; and The National Committee for Iva Ikuko Toguri d'Aquino.

INTRODUCED BY:

Newton Bornhorst
W. Sandy Nojch
Frank H. C. Loo
George Akahane
Ronald Clement
Albert King
Toraki Matsumoto
Rudy Pacarro
 COUNCILMEN

DATE OF INTRODUCTION:

July 14, 1976
Honolulu, Hawaii

CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

as amended

I hereby certify that the foregoing RESOLUTION was adopted by the COUNCIL of the City and County of Honolulu, by the vote and on the date indicated on the right margin hereof.

ATTEST:

Eileen K. Lota
EILEEN K. LOTA
CITY CLERK

George G. Akahane
GEORGE G. AKAHANE
CHAIRMAN & PRESIDING OFFICER

Dated JUL 28 1976

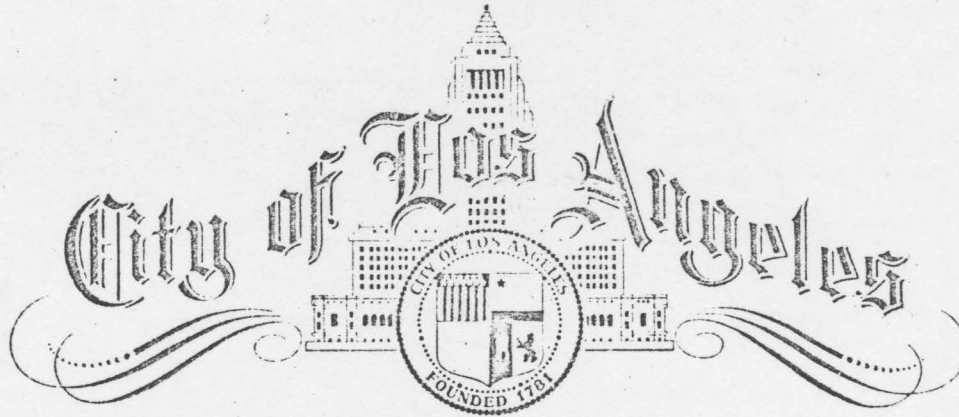
ADOPTED Meeting Held			
JUL 28 1976			
	AYE	NO	A/E
BORNHORST			
CLEMENT			E
HOLCK			
KAAPU			E
KOGA			E
LOO			
MATSUMOTO			
PACARRO			
AKAHANE			
			603

Reference:

Report No. IGR CR 1151

Resolution No.

273
(As Amended)



CITY HALL
LOS ANGELES, CALIFORNIA 90012
(213) 425-3311

OFFICE OF THE MAYOR

TOM BRADLEY
MAYOR

August 6, 1976

The Honorable Gerald Ford
President of the United States of America
The White House
1600 Pennsylvania Avenue
Washington, D. C. 20500

Dear Mr. President:

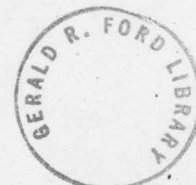
I am writing to ask that a full presidential pardon be granted to Iva Toguri d'Aquino, who was convicted of treason in 1949 as the legendary "Tokyo Rose" when public feeling against Japan and the Japanese was running high.

As Mayor of Los Angeles, where we have the largest concentration of Japanese Americans on the mainland of America, I have seen them rebound from the injustices of racial bigotry and become some of our outstanding citizens.

The passions of war have cooled, and as your invitation to the Emperor and Empress of Japan to visit here last year indicates, much has been forgiven. We have had an opportunity to examine Mrs. d'Aquino's trial dispassionately and see that it was not justice's finest hour.

The great irony was that her conviction was possible because she clung tenaciously to her American citizenship, while key witnesses against her in similar circumstances renounced their U. S. citizenship to escape prosecution. Much of the evidence against her was questionable, and U. S. and Allied POW's who wrote her material in the alleged treasonable radio broadcasts were never prosecuted.

- over -

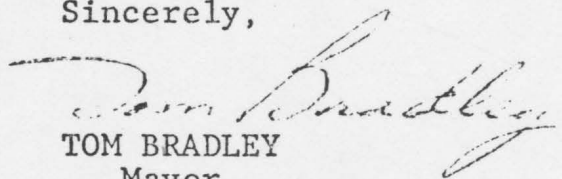


Iva Toguri d'Aquino has served her prison sentence and has paid her fine. She even lost her citizenship which she had refused to give up in the face of harassment by Japanese police when she was stranded in Japan without funds during World War II.

Mrs. d'Aquino is a native of Los Angeles and was 60 years old on July 4, 1976. I join the Japanese American Citizens League, with nearly 100 chapters throughout the United States, in urging your compassionate pardon and full restoration of citizenship to a woman who was a victim of her times.

A presidential pardon at this time would be "an act of grace", as the Los Angeles Times pointed out in an editorial in March this year.

Sincerely,


TOM BRADLEY
Mayor

TB/gb



YVONNE BRATHWAITE BURKE
28TH DISTRICT, CALIFORNIA

COMMITTEE ON APPROPRIATIONS

SUBCOMMITTEES:
HUD-INDEPENDENT AGENCIES
DEPARTMENTS OF STATE, JUSTICE,
COMMERCE, THE JUDICIARY AND
RELATED AGENCIES

Congress of the United States
House of Representatives
Washington, D.C. 20515

August 19, 1976

WASHINGTON OFFICE:
336 CANNON HOUSE OFFICE BUILDING
WASHINGTON, D.C. 20515
(202) 225-7084

WENDELL M. HOLLOWAY
ADMINISTRATIVE ASSISTANT

DISTRICT OFFICE:
INGLEWOOD CITY HALL
1 MANCHESTER BOULEVARD
INGLEWOOD, CALIFORNIA 90301
(213) 678-3424

MARGUERITE J. ARCHIE
DISTRICT ADMINISTRATIVE ASSISTANT

Mr. Tsuneishi
Japanese American Citizens League
125 Weller Street, Room 310
Los Angeles, CA 90012

Dear Mr. Tsuneishi:

In response to your letters seeking my support for a Presidential pardon for Ms. Iva Toguri, your organization may use my name as one of your supporters.

After reviewing the materials you sent me and the recent remarks in the Congressional Record of my colleague, the Honorable Spark Matsunaga, I recognize the tragedy of discrimination and post-war hysteria which confronted this American citizen. It is based, as always, on ignorance.

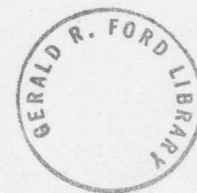
Recognizing the delicate political climate at this time, I will be happy to contact the President with my support at whatever appropriate time you advise.

Very truly yours,



YVONNE BRATHWAITE BURKE
MEMBER OF CONGRESS

YBB:CLF:ba



NISEI POST 8985



VETERANS OF FOREIGN WARS OF THE UNITED STATES
DEPARTMENT OF CALIFORNIA
SACRAMENTO, CALIFORNIA

October 5, 1976

Honorable Gerald R. Ford
President of the United States
of America
Capitol Building
Washington, D.C. 20013

Dear President Ford:

VFW Post 8985, Sacramento, unanimously passed a motion recently to support the movement to obtain a Presidential pardon for Mrs. Iva Toguri d'Aquino who was convicted for treason in 1949. Our investigation discloses she was tried under the most adverse conditions and convicted of many acts for which she was not responsible. We now learn that all the chips were stacked against her, even to the extent that witnesses were coerced into giving false testimonies.

In spite of all the prejudice and unfair treatment she has received, Mrs. d'Aquino has remained faithful and loyal to the United States of America. And she is trying to live out her life as best as she can.

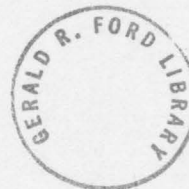
Post 8985 currently has a membership of 275 veterans of foreign wars. And we are united in making this request for the pardon which only you are able to give. We believe that her behavior as an alien living in the enemy's country in time of war did not constitute treason, but her actions clearly show that she did her best to work for her country and people as a loyal American. She should not be held responsible for the actions committed by others whose identities are not known.

Please give this matter your earliest attention in order that Mrs. d'Aquino may be exonerated from the crimes and regain her citizenship which is rightfully hers.

Very truly yours,

George M. Morita
Commander

cc Mr. Clifford I. Uyeda ✓
Japanese American Citizens League



Japanese American Citizens League

MONTEREY PENINSULA CHAPTER

P.O. Box 664

MONTEREY, CALIFORNIA 93940

October 9, 1976

Dr. Clifford Uyeda
National Headquarters
Japanese American Citizens League
1765 Sutter Street
San Francisco, California 94115

Dear Dr. Uyeda:

On October 1, 1976 at their monthly post meeting, the Nisei Memorial Post 1629 VFW of the Monterey Peninsula did in fact support the JACL effort for a Presidential Pardon on behalf of Iva Toguri D'Aquino.

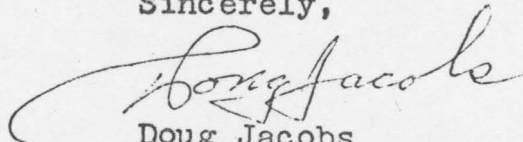
The Post Commander, James Suzuki handed me 2 petition sheets containing a total of 27 names of post members and wives who have gone on record in favor of the pardon for Iva Toguri.

When I am so notified that petitions are to be forwarded for submission to the President, I will send Post 1629's along with the rest that we have from our chapter.

I hope that this information will be an incentive to the other Nisei VFW posts in California to rally to the cause.

Dr. Uyeda, I will keep you informed of our progress on this issue here on the Monterey Peninsula. I am also enclosing herewith a copy of the editorial that ran earlier this year on the Monterey Peninsula. We spoke with the editor and he promised us another updated editorial in the near future. Thank you for the booklets that you sent for our use.

Sincerely,



Doug Jacobs
Chapter President

encl





Telegram

SFA111(1028)(2-012252E322)PD 11/17/76 1028¹⁹⁷⁶ NOV 17 AM 7:34

ICS IPMMTZZ CSP

3012295671 TDMT BETHESDA MD 212 11-17 1028A EST

PMS DON HAYASHI ACTING NATIONAL DIRECTOR, JAPANESE AMERICAN CITIZENS LEAGUE, FONE 9AM PST, 921-5225 AND DLR IMMY AFTER , DLR

1765 (POST) ST *SUTTER*
SAN FRANCISCO CA 94115

THE AMERICAN VETERANS COMMITTEE (AVC) WHICH WAS FOUNDED DURING WORLD WAR II BY AMERICAN SERVICEMEN AND SERVICEWOMEN, AT IT'S FALL NATIONAL BOARD MEETING HELD IN WASHINGTON DC ON NOVEMBER 13 1976, PASSED A RESOLUTION "REQUESTING THE PRESIDENT OF THE UNITED STATES TO GRANT A PARDON TO IVA TOGURI SO THAT HER AMERICAN CITIZENSHIP MAY BE RESTORED".

THE AMERICAN VETERANS COMMITTEE WHOSE VETERAN-MEMBERS LOCATED ALL OVER THE COUNTRY AND WHO SERVED IN FOUR WARS, WORLD WAR II, WORLD

SF-1201 (R5-69)

WAR I, KOREA AND VIET-NAM, IS A HIGHLY RESPECTED ESTABLISHED VETERANS ORGANIZATION WITH A UNIQUE MOTTO "CITIZENS FIRST, VETERANS SECOND". THE AVC DEDICATED ITSELF "TO ACHIEVE A MORE DEMOCRATIC AND PROSPEROUS AMERICA AND MORE STABLE WORLD".

THE FIRST TRULY INTEGRATED VETERANS ORGANIZATION, AVC, SINCE IT'S FOUNDING HAS BEEN IN THE FOREFRONT IN THE STRUGGLE FOR RACIAL JUSTICE CIVIL RIGHTS AND CIVIL LIBERTIES, EQUAL RIGHTS AND EQUAL OPPORTUNITY FOR ALL AMERICANS. AVC WAS ONE OF THE FOUNDERS OF THE WORLD VETERANS FEDERATION DURING THE EARLY '50'S. THE AVC NATIONAL HEADQUARTERS ARE IN WASHINGTON DC. AMONG AVC HONORARY MEMBERS HAVE BEEN: HARRY S TRUMAN, MRS ELEANOR ROOSEVELT, RALPH BUNCH AND SENATOR PAUL DOUGLAS.

SF-1201 (R5-69)

SAUL ROSEN, NATIONAL CHAIRMAN, AMERICAN VETERANS COMMITTEE

1333 CONNECTICUT AVE NORTHWEST WASHINGTON DC 20036

NNNN



Office Memorandum • UNITED STATES GOVERNMENT

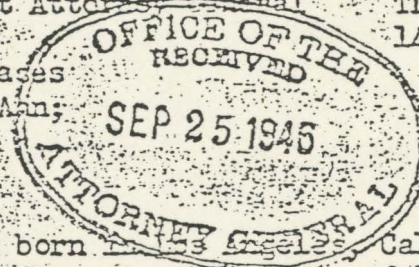
TO : The Attorney General

DATE: September 24, 1946

FROM : Theron L. Caudle, Assistant Attorney General

TLC:SCE:DTJ

146-28-1941

SUBJECT: IVA IKUKO TOGURI, with aliases
Tokyo Rose, Orphan Annie, Ann;
Treason

This subject was born in Los Angeles, California, on July 4, 1916. She went to Japan in the Summer of 1941 for the purpose of caring for an invalid aunt and was unable to return to the United States prior to the outbreak of the war. In November, 1943 she obtained employment as an announcer on a program known as the Zero Hour over Radio Tokyo.

Toguri was taken into custody by our military authorities in Japan and has been identified in newspaper-accounts as "Tokyo Rose." This was the name given by American troops to a woman broadcaster over Radio Tokyo whose program consisted of popular American music, interspersed with news broadcasts, remarks inferring that the soldiers' loved ones at home were unfaithful and announcements concerning the movements of our land, sea and air forces. These broadcasts were intended, of course, to cause discontent among our soldiers and to convey the impression that the Japanese had advance knowledge of our war strategy. It appears further that no broadcaster over Radio Tokyo was announced as "Tokyo Rose" and that several women announcers of programs of this type were given that name indiscriminately by the American troops.

Considerable investigation has been conducted in this case and it appears that the identification of Toguri as "Tokyo Rose" is erroneous, or, at least, that her activity consisted of nothing more than the announcing of musical selections. She has denied making any other type of broadcasts and radio technicians and fellow broadcasters also stated that this was the extent of her activity, with the exception of two or three who said that remarks on her broadcasts were anti-United States. They did not reveal in what respect her statements were anti-United States, however, or give any specific remarks or specific or approximate dates that they were made. A few recording cylinders of her broadcasts and a large number of her scripts were located, and they, as well as the transcripts of the only two broadcasts of her program which were monitored by the Federal Communications Commission, do not disclose that she did anything more than introduce musical records. In addition, it appears that "Tokyo Rose" was broadcasting prior to the date of Toguri's employment.

It is my opinion that Toguri's activities, particularly in view of the innocuous nature of her broadcasts, are not sufficient to warrant her prosecution for treason. The

States Attorney at Los Angeles concurs in this opinion. I believe that the case should be closed, subject, of course, to being reopened in the event more information is received at a later date, and that the War Department should be advised that we no longer desire her retention in custody.



Campbell
Memorandum • UNITED STATES GOVERNMENT

TO : The Attorney General

DATE: December 2, 1948

FROM : Alexander M. Campbell, Assistant Attorney General,
Criminal Division

AMC:NEF:lr

SUBJECT: IVA IKUKO TOGURI D'AQUINO
Treason

146-28-1941

RECEIVED
LED
CMB
17 1949
Criminal Division

*I would see this
damn Campbell -
confront
Brundidge
with it
etc*

The witness Yagi whom Harry Brundidge produced as a result of his trip to Japan last spring was, it now appears, guilty of perjury in his testimony before the grand jury in the Toguri case. He has finally confessed to a CIC officer in Japan that he falsely stated that another witness, whom he identified as a result of persuasion by Harry Brundidge, was present at the broadcast.

Yagi had told Mr. Hogan in Japan that he witnessed one broadcast by the defendant Toguri while in the company of a Japanese friend whose identity he refused to disclose on the ground that the friend would not testify because of fear. Mr. Brundidge assured Mr. Hogan at that time that the unidentified friend was at that moment in Brundidge's room but would not talk. Yagi testified to the same effect before the grand jury but his evasiveness aroused the suspicions of the FBI who questioned him many times in San Francisco. Finally, after consulting with Mr. Brundidge in Monterey, Yagi identified his friend as one Kodaira.

The CIC Agent who escorted the Japanese witnesses from and to Tokyo was requested by Messrs. Hogan and DeWolfe to conduct certain investigations in Japan upon his return, including the locating and interrogating of Kodaira. The CIC report which has just been received shows that Kodaira emphatically denies having attended any broadcast at Radio Tokyo with Yagi. Yagi stuck to his original story until confronted with Kodaira's denial, after which he asserted that a friend had told him not to reveal his true identity. Finally, on November 5, 1948, the following occurred:

"At approximately 1515 hours, questioning of Yagi continued. Yagi appeared more nervous than previously mentioned. When advised that it was the intent of the writer to confront Yagi with Kodaira in an effort to resolve the conflicting statements, Yagi begged the writer not to do so, stating, 'I will tell you the truth this time'. Yagi then advised, 'My friend, Harry T. Brundidge, came to Japan in March or April 1943. He asked me to go to the United States of America as a witness

*File record
146-28-1941*

146-28-1941
JAN 12 1949
DIVISION OF RECORDS

CRIM.-INTERNAL SECURITY-SEC.

against Toguri. I told him I never seen Toguri broadcasting. He stated, "If you tell the story to Mr. Hogan then you will make a trip to the United States and we will have a nice time together." At this point of the interview, Yagi seemed to regain his composure. In response to a question by the writer as to whether he would make a sworn statement to the above, he replied, 'Yes, I want to tell the truth now even though it gets me in lots of trouble.' Yagi continued, 'The statement I signed (that is the statement given to Hogan in Tokyo in March or April 1948) was not the truth.'"



Campbell
Memorandum • UNITED STATES GOVERNMENT

TO : The Attorney General

DATE: December 2, 1948

FROM : Alexander M. Campbell, Assistant Attorney General,
Criminal Division

AMC:WEF:lr

SUBJECT: IVA IKUKO TOGURI D'AQUINO
Treason

146-28-1941

LED

CMB

DEC 1

17 1949

Criminal Division

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*File
146-28-1941*

146-28-1941
JAN 12 1949
DIVISION OF RECORDS

CRIM.-INTERNAL SECURITY SEC

Photocopy from Gerald R. Ford Library

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Office Memorandum • UNITED STATES GOVERNMENT

TO : The Attorney General

DATE: June 8, 1949

FROM : Alexander M. Campbell, Assistant Attorney General,
Criminal Division

AIC:JBH:mmv
146-28-1941

SUBJECT: United States v. Iva Toguri D'Aquino - Treason

You will recall that by memorandum dated December 2, 1948, we informed you that, then prospective Government trial witness, Yagi had given a statement to the Counterintelligence Corps in Japan to the effect that his testimony before the Grand Jury in San Francisco was false and that he had given this testimony, as well as his previous statement, to an attorney of the Criminal Division at the suggestion and urging of witness Harry Brundidge. You will also recall that witness Brundidge when confronted with this statement simply denied it in toto.

We are now in receipt of a statement by Yagi made in Japan to an FBI agent reiterating his accusation in somewhat greater detail. We also have a statement from another Japanese, Toshikatsu Kodaira, which states in effect that he, Kodaira, was also requested and urged by Brundidge and Yagi to give a similar false statement.

The defendant's attorney, who was in Japan obtaining depositions for and on behalf of the defendant, is aware of the recent revelations made by Yagi and Kodaira, and will cross examine Brundidge in that regard when and if he takes the stand as a Government witness at the trial on the merits herein. The testimony expected of Brundidge at the trial of this cause will be corroborated by evidence from other credible sources.

The trial of the instant case is scheduled to begin at San Francisco on July 5, 1949.

In considering the possibility of instituting prosecution against Brundidge for subornation of perjury, we believe that such action taken prior to the completion of the litigation involving Iva Toguri D'Aquino would completely destroy any chance of a conviction in her case. We further believe that it would be unwise to initiate such prosecution of Brundidge at any time because the chance of convicting a white man upon the testimony of two Japanese, particularly in California, is very slight. We also feel that the fairly close friendship which existed between witness Yagi and newspaper man Brundidge for a considerable number of years would probably result in Yagi's refusal to testify against Brundidge on grounds of self-incrimination.

In view of the foregoing, it is strongly recommended that at the present juncture no federal criminal proceedings of any sort be initiated against Harry Brundidge for any alleged Federal statutory offense arising out of the facts hereinbefore discussed. This Division is likewise firmly of the view that there is no reasonable expectation from a factual standpoint of a successful ensuing Federal criminal prosecution subsequently against Brundidge based on the facts which are the subject matter of this memorandum.

FILED
DEC 8 1953

GERALD R. FORD
LIBRARY

Handwritten notes and initials on the left margin, including "McCoy WA" and "x 43".

DEC 10 1947
12-8-47

DEPARTMENT OF JUSTICE
UNITED STATES ATTORNEY
SOUTHERN DISTRICT OF CALIFORNIA
LOS ANGELES

OFFICE OF THE
RECEIVED
DEC 8 - 1947
ATTORNEY GENERAL

December 5, 1947

AIR MAIL

116-28-170
MAY 2 1948
Handwritten initials and scribbles

Honorable Tom C. Clark
Attorney General
Department of Justice
Washington, D. C.

Re: Tokyo Rose and Walter Winchell

My dear Mr. Clark:

On December 4th, I talked with Harry Brand, Assistant to Joseph Schenck at 20th Century-Fox studios, and told him that if it could be arranged I would appreciate an appointment with Walter Winchell; that I did not want to ask any favors or make any complaints, but to make available to Mr. Winchell certain facts if he did not already have them.

I cleared the matter through Mr. Peyton Ford, after putting through a call to you to find you were out of the city. Mr. Brand then made an appointment for me to talk to Walter Winchell on Thursday afternoon, December 4th.

I arrived at 20th Century-Fox studios and met Harry Brand; he stated that there were very few people who could talk to Winchell and that Mr. Joseph Schenck was one of these and one of Winchell's good friends.

We went to Mr. Schenck's office and there met Mr. Schenck and Charles Carr. I explained to Mr. Schenck our purpose in talking to Winchell was to endeavor to see that he understood the facts of the case and that I did not seek to ask any favors of Winchell. Mr. Schenck said he was a good friend of Winchell and that Mr. Carr was also a good friend of both Winchell and Schenck and that he (Mr. Schenck) would be glad to have Mr. Carr go along to the conference. We then proceeded to Winchell's office.

I was introduced to Winchell and stated that I was there not for the purpose of attempting to influence him in any of his activities, or to ask any favors, but merely to make available to him the facts.

This ltr. answered by a PERSONAL and CONFIDENTIAL note from Mr. Peyton Ford 12-8-47 (no copy for our files).

GERALD R. FORD
CONFIDENTIAL



File
ET

Dec. 5, 1947

I stated to Mr. Winchell that there were about six women who broadcast from the Radio Tokyo, only one of whom was an American citizen, to-wit, Rose Toguri. Winchell said he knew the facts and proceeded to make a long, eloquent and interesting speech. In the course of these comments by Winchell I received the impression there might have been, in the past, some differences between you and Winchell.

Winchell made the following points:

(1) That it was the duty of the Attorney General and the Department of Justice to propose legislation to be used against such persons as "Tokyo Rose" and to "do something about it."

(2) He mentioned a luncheon which had been held at 20th Century-Fox some time in the past, in which he intimated that you had not given him a correct answer when asked whether you were to be the new Attorney General. He stated that you were appointed within the next few days.

(3) He claimed he had been plugging you for Attorney General part of that time and intimated he had never received proper thanks.

(4) Mr. Carr spoke up and said that he knew of his own knowledge that you did not know at the time of the luncheon that you were to be Attorney General; that you were planning on going back to Texas to practice law. Mr. Carr presented this in his vigorous manner and I believe it had considerable effect upon Mr. Winchell.

(5) He complained about the failure of the Justice Department to re prosecute the Washington Sedition case, and though conceding there were too many defendants, he believed they should have been prosecuted in the various districts throughout the country.

(6) Mention was made of John Rogge - Winchell spoke in an approving and not critical manner.

(7) He talked at length about his various libel suits and the problems he had in connection with being a radio broadcaster.

(8) At a break in his conversation, I exhibited to him a copy of the press release released in Washington concerning "Tokyo Rose" and told him it was a complete copy of the release. He read it with interest, and stated he was glad to see that "Tokyo Rose" was not to be allowed to come back to the United States; he intimated he was going to use the release, or part of it, on his Sunday night broadcast. He commented that the release did not say that it had been brought about by his previous broadcast.



Dec. 5, 1947

(9) I repeated that I was not defending "Tokyo Rose" and wished him more power in his activities in exposing American citizens who engaged in harmful and unpatriotic conduct, at home and abroad, but stated that as a lawyer I was not going to recommend a prosecution unless we had some kind of a case against the defendant.

(10) Mr. Carr mentioned letters he had received as United States Attorney from 615 all over the world, criticizing Mr. Carr for his announced intention of prosecuting "Tokyo Rose" and claiming that the "Tokyo Rose" broadcast, instead of being morale breakers were morale builders. Winchell replied that these people were probably communists, but Mr. Carr continued with the argument and I think made some impression on Winchell.

(11) I explained to him the innocuous character of the "Orphan Annie" broadcasts, and offered to exhibit to him translations of the "Orphan Annie" broadcasts which were put out over the air by Rose Toguri. He stated that he was familiar with the fact that many of them were innocuous.

In general, I would report that Winchell opened up and talked quite friendly and freely towards the close of the conversation. I think that the presence of some of our good friends at 20th Century-Fox had a great deal to do with this. His telephone was ringing constantly until he cut off calls, and I know he makes very few appointments to see people.

I received the distinct impression and feeling that if there were any hostile attitude on the part of Winchell towards the Department, it could be broken down, and that any differences are not unsurmountable.

I received also the impression that somewhere along the line his pride had been injured, and I am of the opinion that you could go a long way towards smoothing things out, should you have a personal chat with Mr. Winchell.

He is leaving for the east on Sunday night December 7th or Monday, December 8th, going either to New York or to Washington.



Hon. Tom C. Clark

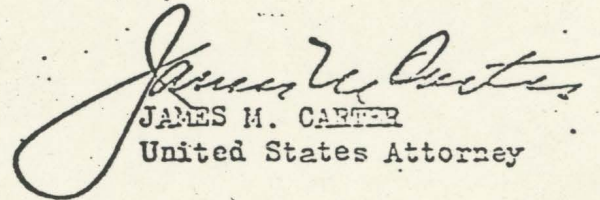
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Dec. 5, 1947

As we left Mr. Winchell's office to go to our cars, the question of "Tokyo Rose" came up again, and I suggested to him the bad situation which would occur should the Government seek a prosecution without having a proper case, and if the trial resulted in a dismissal or acquittal. He agreed readily that this would be worse than having no prosecution, and we parted in a very friendly manner.

Trusting the foregoing meets with your approval, and that the conference and this report on it may be of some assistance to you and the Department, I am

Sincerely


JAMES M. CARTER
United States Attorney

cc: Honorable Peyton Ford
Acting the Assistant to
The Attorney General
Department of Justice
Washington, D. C.



UNITED STATES ATTORNEY
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO 1

Re Ina Terun Alguino

12 number

146-28-1941

FILED
BY GMB
NOV 18 1941

NOV 17 1941

Ray

I understood my instructions in the
agreement - as it was two of the
grand jurors voted against an indictment -
It was necessary for me to practically
make a fourth of July speech in order
to obtain an indictment -
Under these circumstances I believe
the Ag will wish to back me up
and immediately request the
Director to send SA [Name] to
Japan - much benefit to the case
would result from such course

of action
FILE - R.P.W.

Regards
[Signature]

[Signature]



Department of Justice
Telegram

DEPARTMENT OF JUSTICE
DIVISION OF RECORDS
TELEGRAPH OFFICE

1946 SEP 13 PM 2:10

EU Q129 GOVT DL PD

WUX WASHINGTON DC SEP 13 1946 131P

ATTORNEY GENERAL DEPT OF JUST

RE YOUR WIRE IVA TOGURI FURTHER INVESTIGATION MENTIONED IN
CORRESPONDENCE HAS NOT STRENGTHEN THIS CASE PD WE FEEL
EVIDENCE INADEQUATE PD RECOMMEND TREASON PROSECUTION BE
DECLINED PD END

U S ATTORNEY LOSA CALIF 131700Z

-208P.

131700Z.

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DEPARTMENT OF JUSTICE
SEP 13 1946
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P. R. C.
CRIM. - INTERNAL SECURITY SEC. REC.

F. C. McK.

FILE - JSH

Hoye

R Q128-129 DJ



Office Memorandum • UNITED STATES GOVERNMENT

TO : Theron L. Caudle, Assistant Attorney General, Criminal Division
DATE: September 19, 1946
FROM : Nathan T. Elliff, Chief, Internal Security Section
NTE:JBH:vng
146-28-1941
SUBJECT: IVA IKUKO TOGURI, with aliases
Tokyo Rose, Orphan Annie, Ann -- Treason

Reference is made to my memorandum to you dated May 15, 1946, in which I analyzed the available evidence and expressed my conclusion that that this is not a case for prosecution for treason. Inasmuch as that memorandum was rather complete I will not repeat it here. It need merely be stated that the evidence will undoubtedly prove the subject's American citizenship and the fact that she broadcast for the Japanese for a salary. However, the available scripts and the testimony of the majority of witnesses indicate that her broadcasts were innocuous, and could not be considered giving aid and comfort to the enemy.

The War Department has been inquiring at intervals as to what disposition is to be made of this case. Before communicating with the War Department, it was decided to solicit the opinion of the United States Attorney at Los Angeles because he has been studying this matter since its inception. By a telegram dated September 13, 1946, he has advised that he does not feel the evidence is adequate to recommend a treason prosecution. We concur in his opinion and suggest that this matter be considered closed at this time, and that the War Department be advised that we no longer desire that the subject be retained in custody. Of course, if additional information is received at a later date, the entire case can be reconsidered.

146-28-4941
DEPARTMENT OF JUSTICE
OCT 1 1946
DIVISION OF RECORDS
CRIM--INTERNAL SECURITY SEC.
LDM



TTQ:JAH:vng

146-28-1941

October 24, 1947

RECORDED

J. E. F.

FILED
BY
OCT 31 1947

The Honorable
The Secretary of State
Washington 25, D. C.

My dear Mr. Secretary:

Attention: Mrs. R. B. Shipley,
Chief, Passport Division

This will acknowledge receipt of your letter of October 20, 1947, your file F130-Aquino, Ianko D', concerning Mrs. D'Aquino's application for a passport to return to the United States.

After a careful analysis of the available evidence, this Department concluded that prosecution of this individual for treason was not warranted, and we so informed the War Department. Therefore, this Department will have no objection to the issue of a passport to Mrs. D'Aquino.

Respectfully,

For the Attorney General

T. VINCENT QUINN,
Assistant Attorney General

Handwritten initials: JEF and AM

CC: Records ✓
Chron.
Mr. Hogan

SENT BY MESSENGER
COMMUNICATIONS SEC
OCT 23 1947 JGL

GERALD R. FORD

Office Memorandum

RECEIVED THE UNITED STATES GOVERNMENT

JAN 11 1949

12-5-4

TO : The Attorney General ATTORNEY GENERAL

DATE: January 5, 1949

FROM : Alexander M. Campbell, Assistant Attorney General

AMC:mab

SUBJECT: Iva Ikuko Toguri D'Aquino

Treason

Rease Tokyo

FILED BY RC ON APR 5 1954

146-28-1941

With reference to a memorandum of December 2, 1948 submitted to the Attorney General in the above captioned matter and on the basis of information contained in said memorandum to the effect that witness Yagi had repudiated his testimony before the Grand Jury in San Francisco, had repudiated a statement which he gave to Mr. John Hogan of the Criminal Division to the effect that he witnessed one broadcast by the defendant Toguri, and that the reason he made the original statements to the said Hogan and to the Grand Jury was as a result of persuasion by one Harry Brundidge, I today conferred with said Brundidge in the presence of Hugh Fisher, Special Assistant to the Attorney General and Dean Schedler, Director of Public Information, the latter having known Brundidge for several years and having had contact with him previously in the Department before the said Brundidge went to Japan.

When confronted with the substance of the memorandum of December 2, 1948, heretofore referred to, Mr. Harry Brundidge stated that he could give no reason as to why Yagi had now changed his story and could give no suggestions to the Department which may be helpful in clarifying the situation except that he may have been stricken with fear since his return to Japan.

Mr. Brundidge denied that he persuaded witness Yagi to so testify before the Grand Jury in the Toguri case.

The interview lasted from 2:30 p.m. until 3:15 p.m.

The Criminal Division on December 23, 1948 requested the Bureau to contact Yagi in Japan again for the purpose of ascertaining what prompted him to make the last statement repudiating his Grand Jury testimony and his statement to John Hogan. As you know, Special Agent Frederick Tillman departed for Japan on December 23, in connection with the Provo, D'Aquino, Ince and Streeter cases.

RECEIVED FOR MR. HOGAN

146-28-1941 DEPARTMENT OF JUSTICE MAR 2 1949

General - we can still make the case according to my information on Hogan - file

12-5-47

Several FBI reports received since the Department's press release in December tend to confirm the previous opinion held in this Division that IVA TOGURI, now held in custody in Japan, did broadcast over the Japanese radio from late in 1943 until the capitulation. She always called herself Orphan Annie or Anne and broadcast a program written by captured American and Australian army officers known as the "Zero Hour Broadcast". Her statements were limited to the introduction of musical selections and comparatively innocuous references to the troops being homesick. None of the statements commonly attributed to "Tokyo Rose" regarding troop movements or actions of the troops' wives at home and other statements intended to break down morale, has been attributed to Iva Toguri. In fact the most competent witnesses clearly distinguish between Iva Toguri, so-called Orphan Annie, and the women broadcasters generally referred to as "Tokyo Rose".

The investigation is continuing and no determination regarding grand jury proceedings, if she is allowed to return to the United States, will be made until the investigation is completed.

Iva Toguri is a native born citizen of the United States

State Dept is holding back passport to her at our request

Inventory not complete -

146-24-1441

MAR 20 1947

*Continue search
bureau and
AIS with
info*

*file
ack*



FEDERAL BUREAU OF INVESTIGATION

Form No. 1

THIS CASE ORIGINATED AT

SAN FRANCISCO

FILE NO. ██████████

REPORT MADE AT El Paso, Texas	DATE 4-15-49	PERIOD FOR WHICH MADE 4-1-49	REPORT MADE BY HERBERT A. JONES	adl
----------------------------------	-----------------	---------------------------------	------------------------------------	-----

TITLE IWA IKING SCOUR DRAWING, Was.,	CHARACTER OF CASE TREASON
---	------------------------------

SYNOPSIS OF FACTS:

FBI, Special Employee DAVID I. GILMORE identified voice on Record Cuts No. 2 and 3 as that of Orphan Annie. In signed statement GILMORE advised that Orphan Annie conducted the Zero Hour program which he heard in the Marianna Islands during 1944 while he was with U. S. Marine Corps. This program featured popular American songs and comments by Orphan Annie describing the pleasant life and good times back in the United States. GILMORE advised that voice of Orphan Annie is not that of the announcer he knew as TOKYO ROSE, who conducted a radio program during the same period featuring pro-Japanese news broadcasts and comments from and about U. S. Prisoners of War telling how well they were treated. GILMORE stated voice on Record Cut No. 1 was the voice of TOKYO ROSE. ?

- P -

REFERENCE:

Bureau File ██████████
 San Francisco teletype to El Paso dated 4-15-49.
 Los Angeles letter to Director dated 8-11-48.

DETAILS:

The phonograph records described in the referenced letter from Los Angeles to the Bureau were played to SE DAVID I. GILMORE in the El Paso Office. After listening to these records GILMORE furnished the following information in the form of a signed statement:

"April 19, 1949
 El Paso, Texas"

"I, David I. Gilmore, made the following statement to



"Frederick A. Johns, who has identified himself to me as a Special Agent of the Federal Bureau of Investigation, I make this statement freely and willingly.

"I have just finished listening to a phonograph record containing 3 separate cuts. For identification purposes I have marked this record with my initials, D.I.G. and the date 4-19-49.

"I recognize the voice on cuts two and three as the radio voice I knew as Orphan Annie. The woman who identified herself as Orphan Annie during 1944 conducted a radio program from Tokyo known as the "Zero Hour". To the best of my recollection, the "Zero Hour" was heard by me at approximately 7:30 PM Marianna Islands time from July of 1944 to October of 1944. At this time I was the radio operator on combat duty with the rank of Corporal with the Second Marine Division, Second Joint Beach Assault Force. I first became acquainted with this program during the struggle for Tinian, M.I. I listened to this program irregularly. During the first month I listened nearly every night and afterwards only once or twice a month. The "Zero Hour" consisted of songs popular in the United States before World War II, together with comments by the announcer, Orphan Annie. I recall one specific program, broadcast shortly after the Tinian Campaign began, in which Orphan Annie, in a friendly manner, said that she was going to play the following record for the boys on Tinian. The record was entitled "Moon Over Miami". After saying this Orphan Annie asked "How's the moon over Tinian tonight, boys?" She then went on to say before the record was played that the boys and girls back in Miami were enjoying the beautiful Miami moon and warm breeze. I also definitely recall that Orphan Annie, on other occasions played "Deep in the Heart of Texas" and "Star Dust".

"I do not recall that this person ever described herself in any other way than as Orphan Annie.

"As to the "Zero Hour" programs, I recall that Orphan Annie's comment repeatedly described the pleasant life back home in the United States and the fun people were having there while we were fighting in the Pacific.

"I have read this and two other pages, understand it and it is true.

/s/ DAVID I. GILMORE

Witnessed:

/s/ Frederick A. Johns
Special Agent, FBI, El Paso.



It should be noted that the voice on Cuts No. 2 and 3, on the phonograph records identifies itself as IVA TOGULI and CRYSTAL ALBIE.

SE DAVID I. GILMORE further advised that the voice on Cut No. 1 of the above mentioned phonograph record was that of TOKYO ROSE an entirely different person from the one whose voice was recorded in Cuts 2 and 3 of this record.

SE GILMORE furnished the following information in the form of a signed statement regarding TOKYO ROSE:

"April 19, 1949
El Paso, Texas

"I, David I. Gilmore, make the following statement to Frederick A. Johns who has identified himself to me as a Special Agent of the Federal Bureau of Investigation. I make this statement freely and willingly.

"I have just finished listening to a phonograph record containing 3 separate cuts. For the purposes of identification I have marked this record with my initials, D.I.G. and the date, 4-19-49.

"Cut #1 was recognized by me as the voice I knew as that of TOKYO ROSE.

"I have previously listened to radio news broadcasts by a woman's voice. This individual identified herself as Tokyo Rose. These broadcasts were heard by me at approximately 4:45 PM, local time, Marianna Islands, irregularly from June, 1944 to March, 1945. At this time I was a radio operator with rank of Corporal on duty with the Second Marine Division, Second Joint Beach Assault Force. During this period I listened to the Tokyo Rose broadcasts irregular. Sometimes I would listen to the program everyday for a week, then not listen for a month and then resume listening for several days.

"In all the broadcasts I heard, this announcer identified herself only as Tokyo Rose. I recall that her voice impressed me as being that of a person who spoke perfect English with no trace of a foreign accent.

"In addition to news broadcasts, Tokyo Rose also broadcast"



"messages supposedly coming from American prisoners of war. At other times, men's voices supposedly those of the prisoners of war themselves were heard. At the time I wrote down the names and addresses, none of which I now recall, of the American war prisoners intending to write to their families. However, I never got around to so writing. Later on this list of names and addresses was lost.

"In these broadcasts, Tokyo Rose never made any remarks derogatory to the Japanese. In general she and the supposed American prisoners of war, said that the American prisoners were in good health and being treated very kindly.

"The voice I know as Tokyo Rose frequently exaggerated and distorted military engagements taking place at that time. As an example of this, I personally witnessed an aerial dogfight between American and Japanese planes on the evening of June 15, 1944 over the harbor at the Island of Saipan. I recall the date because it was my first night in combat and was D Day at Saipan. I later heard Tokyo Rose describe over the radio the above mentioned aerial combat and she said that the Japanese planes had destroyed 40 odd American planes and had sunk several ships in the harbor. To the best of my knowledge, this aerial combat resulted in the Japanese planes being driven off and with no casualties to either side.

"I have read the above on this and three other pages, understand it and it is true.

/s/ DAVID I. GILMORE

WITNESSED:

/s/ FREDERICK A. JOHNS
Special Agent, FBI, El Paso, Texas.

The phonograph record referred to above and initialed by SE GILMORE is being retained in the El Paso Office.

Incl. to San Francisco:

- One signed statement by SE DAVID I. GILMORE, regarding Orphan Annie;
- One signed statement by SE DAVID I. GILMORE, regarding Tokyo Rose.



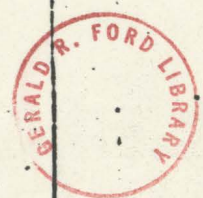
- P E N D I N G -

1 "Q. Any statement made as to the reasons why she broad-
2 cast?

3 "A. She said she broadcast because the job paid more than
4 her typist job. And it was more interesting. She enjoyed
5 the contacts and her surroundings, and she thought she
6 might be able to find a future in radio work."

7 She also, in her interview with Mr. Kinney, discussed the
8 question of "Tokyo Rose." [I don't think the element of "Tokyo
9 Rose," or "Who is Tokyo Rose?" is of any importance in this
10 case. Nobody broadcast from Radio Tokyo under the name of
11 Tokyo Rose. Apparently it was simply a name given, facetiously,
12 by the GIs to some woman announcer of Radio Tokyo.] But this
13 defendant seems to have accepted the appellation. Government's
14 Exhibit No. 2, the yen note which she gave to Eisenhower, a
15 guard in the Yokohama prison, bears her signature, "Iva Ikuko
16 Toguri D'Aquino, Tokyo Rose." Other souvenirs that she gave
17 away in the form of script, she invariably added the words
18 "Tokyo Rose." She said she did it at the request of the donee,
19 to whom she was giving the script. Well, even so, even if a
20 donee requested her to sign "Tokyo Rose," if she didn't feel
21 that she was the person referred to as Tokyo Rose, it isn't
22 likely that she would sign it.

23 [We are more concerned in this case with "Orphan Annie,"
24 ladies and gentlemen, than with Tokyo Rose. And there is only
25 one Orphan Annie broadcasting from Radio Tokyo,] and that was



Office Memorandum • UNITED STATES GOVERNMENT

TO : Raymond P. Whearty, Esquire
FROM : Tom DeWolfe
SUBJECT: Iva Toguri

DATE: May 25, 1948
TED'LA
146-28-1941

STATEMENT OF THE CASE

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

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

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

Finding it difficult to adjust herself among the citizenry of Tokyo through her inability to speak the Japanese language, subject enrolled in the School of Japanese Language and Culture 1948 in Tokyo shortly after her arrival and continued to attend this school until December 1942. Early in 1942 she was advised that United States citizens desiring evacuation to the United States should make application at the Swiss Legation. She was advised



146-28-1941

*Seen
7/21/48
[Signature]*

FILE - J.D.H.

that the passage would cost approximately \$400 and that it would be necessary for her to pay the cost of the passage either before she left Japan or for someone in the United States to guarantee payment on her arrival in this country. Furthermore, she was told by the Swiss Legation that because of the fact that she was without a passport there was little chance that she would be evacuated to America on the first repatriation ship. In September 1942 she again went to the Swiss Legation in an endeavor to secure passage to New York on the Gripsholm but was unable to raise the amount of money required for the passage. After this occurrence she registered at a Japanese ward police station as an alien and continuously thereafter until the fall of Japan was under the surveillance and scrutiny of the Japanese police.

With her funds becoming exhausted in July 1942 she obtained employment with the Japanese Domei News Agency as a typist in the monitoring section. In August 1943 subject obtained a part-time position as a typist with Radio Tokyo, in which type of work she was engaged until November 1943. In November 1943, at the instigation of one Major Charles Cousens, an Australian prisoner of war, subject was selected through the medium of a voice test to participate as an announcer on Radio Tokyo's program called "Zero Hour". She worked in this capacity approximately five days a week until 13 August 1945.

Three prisoners of war, to wit, Lieutenant Norman Reyes (Filipino), Major Wallace E. Ince (American), Major Charles Cousens (Australian), were in charge of the production of Radio Tokyo's "Zero Hour" broadcasting activities for the Japanese Government. These three men have all been cleared by their respective governments of any charge of treasonous activity in connection with their alleged broadcasting work. They will be the three most important witnesses against subject if an indictment should be returned against her by a grand jury in a United States court. They will testify that subject broadcast no information of military or intelligence value and at no time beamed anything to troops in the southwest Pacific of a propagandistic nature. Her sole work, according to these witnesses, consisted of introducing musical recordings which were beamed to Allied troops in the southwest Pacific. They will testify that they selected subject as an announcer because she was the only woman available, white or Nisei, whom they could trust not to betray to the Japanese their efforts to sabotage any propaganda which the Japanese might and would attempt to broadcast to American troops then fighting in the Asiatic Theater. The three men above mentioned will testify that subject was likewise selected by them because she possessed a masculine



voice which it was thought would not be attractive to Allied soldiers and fighting men in the Pacific. They will testify that subject never worked at the radio station more than two hours a day in the afternoon for five days a week in connection with her preparation for and actual broadcasting of the introductions to the musical recordings aforesaid. In order to earn a living to sustain herself subject was forced at the conclusion of her 20-minute portion of the program in question to work at the Danish Legation in Tokyo. The witnesses above mentioned will likewise testify that subject on some occasions made every endeavor to see that propagandistic matter was not inserted in or utilized by the "Zero Hour" program. She frequently expressed pro-American sentiments in the presence of many witnesses and often evinced the wish and desire, when Japanese officials were not present, that the war would end soon and that the United States, her native land, would emerge victorious therefrom.

The three prisoners of war above mentioned who were instrumental in carrying out the program known as the "Zero Hour" and others will testify that subject aided American prisoners of war and often brought them food and sustenance. The three prisoners of war above mentioned were, during a major portion of their broadcasting activity, housed in a rather luxurious Japanese hotel and were not under any more police surveillance than subject. They seem just as much, or more, culpable than she. The scripts of her programs seem totally innocuous and might be said to have little, if any, entertainment value. The scripts containing the introductions to musical recordings, which scripts subject read over the air, were for the most part written for her in their entirety by Major Cousens (Australian prisoner of war).

The evidence at hand discloses that the appellation "Tokyo Rose" was never used by subject but was one indiscriminately given to subject or any one of five female announcers working at Radio Tokyo.

THERE IS INSUFFICIENT EVIDENCE TO MAKE OUT
A PRIMA FACIE CASE.

If an indictment is returned against subject by Federal grand venire men in the appropriate Federal judicial district the three Allied prisoners of war, Major Charles Cousens (Australian), Major Wallace E. Ince (American), and Lieutenant Norman Reyes (Filipino), will be necessary and material witnesses for and on behalf of the United States against subject at the trial on the merits before a petit jury. These witnesses have all been cleared of any charge of treasonable activity in connection with their work for Radio



Tokyo. According to the available facts they were under no more duress or compulsion than was subject. As Government witnesses the Government will as a matter of law be forced to vouch for the truth of their testimony. They will testify to facts which will disclose as a part of the Government's case in chief that defendant lacked the requisite intent to betray. It must be proved that the accused acted with an intention and purpose to betray or there is no treason. Cramer v. United States, 325 U. S. 1, 32.

Here, anticipating the interposition of a motion for judgment of acquittal and assuming the verity of the testimony of the Government witnesses and all reasonable inferences that may be drawn therefrom, still the Government's case must fail as a matter of law because the testimony of the Government will disclose that subject did not adhere to the enemy or possess the requisite disloyal state of mind. Cramer v. United States, 325 U. S. 1, 30. If the situation were such that witnesses were available to testify that defendant actually broadcast propaganda to American troops in an endeavor to lower their morale and hinder and impede the American war effort and the defense produced evidence to combat said Government testimony, then a jury question would be presented but that is not the situation here.

The Government witnesses, almost to a man, will testify to facts which show that subject was pro-American, wished to return to the United States and tried so to do prior to Pearl Harbor, attempted unsuccessfully to return to the United States in 1942, and beamed to American troops only the introduction to innocuous musical recordings. The Government's evidence likewise will show that subject was a trusted and selected agent of the Allied prisoners of war, who selected her as the one they could trust not to sabotage their efforts against the success of the Japanese propaganda machine. In other words, the testimony which the Government will offer will not make out a case sufficient as a matter of law to withstand a motion for an instructed verdict.

It is also believed that the two overt acts against subject which are presently available, i.e. proof from Reyes and Ince, prisoners of war, that subject broadcast two scripts in March 1944, are from a factual and trial standpoint insufficient as a matter of law. The two overt acts adverted to refer to broadcasts by subject which are nothing but introductions to musical recordings. There is no proof available that when subject committed said acts she intended to betray the United States by means of said acts. Cramer v. United States, 325 U. S. 1, 31. Such proof is a vital element of the Government's case before submission of the same to a trial jury is warranted. The available proof on the overt acts committed by subject, i.e. broadcasting of two introductions to musical recordings in 1944, will not from a trial standpoint show that said acts were acts in furtherance of the Japanese war effort. In the treason trials



recently successfully concluded in Boston, Federal Judge Ford held as a matter of law that in order for an overt act to be sufficient to warrant submission of the same to the jury the proof thereon must show that the same was actually committed for the purpose of furthering the enemy's war effort.

There is no available evidence upon which a reasonable mind might fairly conclude guilt beyond a reasonable doubt and consequently a motion for a judgment of acquittal under F.R. Crim. P. 29(a) would probably be granted by the trial court. Curley v. United States, 160 F. (2d) 229, cert. den. 67 S. Ct. 1511.

The statement of defendant given to Bureau Agent Tillman might not be admissible in evidence due to the fact that subject was in military custody at the time and had been for some time without any military or civil charges ever having been brought against her. United States v. Bayer, 331 U. S. 532. Similar statements given to Department of Justice lawyers under similar circumstances were ruled out in recent treason trials in the Federal Judicial District of Massachusetts, although their admissibility was strenuously urged by the Government. The proof available on the merits in the treason cases successfully concluded during the past year in Boston showed that the defendants in those cases expressed pro-German and anti-American sentiments, broadcast propoganda from Berlin over the German Radio, intended to dissuade American citizenry from supporting the American war effort, and broadcast military information and information concerning the maritime losses of the Allied merchant marine, all obviously calculated and intended to impede and hamper the American war effort and lower the morals of American citizens. The type and quantum of the proof available in the case against subject is the direct antithesis of that available and utilized in the Boston litigation aforesaid.

The so-called "confession" or "admission against interest" given by subject to newspaper men Lee and Brundidge was given only after those gentlemen offered subject \$2,000 for exclusive rights for subject's story, which was to be given to the Cosmopolitan Magazine, which journalistic enterprise said newspaper men represented. Of course, Lee and Brundidge at the time were not acting under the authorization of the Department of Justice but were acting in their private capacity. Any inducements held out by a private person who is not occupying a position of authority to secure a confession do not per se render the same inadmissible. United States v. Stone, 8 Fed. 232, Steiner v. United States, 134 F. (2d) 931 (C.C.A. 5), cert. den. 319 U. S. 774, 87 L. Ed. 1721. However, the methods by



which these newspaper men obtained the so-called "admission against interest" or "confession" from subject appear at least questionable and of doubtful propriety and would, no doubt, be submitted to the trial jury by the court for the purpose of enabling the petit venire men to determine whether or no the same was voluntarily obtained and was given by the defendant of her own free will.

RECOMMENDATION

Should the Department disagree with the views herein expressed and desire the case against subject to be presented to a Federal grand jury it is recommended that a no true bill be sought. Should an indictment be returned against subject under the applicable provisions of Title 18 U.S.C. Sec. 1 (treason) and the cause pushed for trial on its merits before a petit jury it is recommended that every possible effort be made to secure Federal Communications Commission records of monitorings of subject's broadcasts, which were until recently in the possession of the Federal Bureau of Investigation, together with the Naval sound track film and also the Naval Government recordings made of subject's voice in Guan, which matters are frequently mentioned in the numerous reports of the Bureau, which will be found scattered throughout the various sections of the file in this case.



AIR MAIL

November 12, 1948.

PERSONAL AND CONFIDENTIAL.

Alexander M. Campbell, Esq.,
Assistant Attorney General,
Department of Justice,
Washington, D. C.

*copy
for Mr. [unclear]*

Re: United States v. Iva Foguri D'Aquino
Your ref: 146-28-1941

146-28-1941

Re: Wallace Elwell Ince
Your ref: 146-28-2001.

NOV 17 1948

CRIM. INTERNAL SECURITY

My dear Alex:

In the first case above mentioned, a treason indictment was returned against defendant here last month. In the second case above mentioned, an investigation is under way against subject who is a treason suspect, and who for some time has been a regular United States Army officer.

I heard today that the Federal Bureau of Investigation is not in a position to comply with our request for an immediate investigation in the Orient of the facts in these cases.

I presented the D'Aquino case to the grand jury here and *provincer* personally explained to the complement of the same their functions, ~~provincer~~ and prerogatives.

I think in retrospect that I personally presented the evidence in the case against the D'Aquino woman here before the panel of Federal Grand Jurymen in a rather forceful manner. I told the grand jurymen that the case as to Colonel Ince, Mrs. D'Aquino's superior on Radio Tokyo, would be presented to a Federal grand jury here in the immediate future, after an exhaustive, factual investigation of the same in the Orient had been undertaken.

If the above action had not been taken by me, I believe that the grand jury would have returned a no true bill against Mrs. D'Aquino.

I personally believe that if General Tom Clark and General Ford were cognizant of the facts above mentioned, they, or either of them, would immediately request Director Hoover to launch a factual investigation on the merits in the above mentioned matters in the Orient.



Alexander M. Campbell, Esq.

Page 52.

November 12, 1948

I have written a separate letter concerning this matter
officially to the Department under separate cover, directing the same to
the attention of ^{you} the First Assistant, Raymond P. Shearty.

With kind personal regards, I remain

Respectfully,

TOM DE WOLFE



DEPARTMENT OF JUSTICE

UNITED STATES ATTORNEY
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO 1

RECEIVED
JAN 17 1949
CRIMINAL DIVISION

January 12, 1949

Alexander M. Campbell, Esq.,
Assistant Attorney General,
Department of Justice,
Washington, D. C.

146-28-1941
DEPARTMENT OF JUSTICE
JAN 17 1949
CRIM.-INTERNAL SECURITY SEC.

Sir:

Re: United States v. Iva Toguri D'Aquino
(Your Ref: 146-28-1941)

Reference is made to the above entitled treason prosecution presently pending in this jurisdiction.

On page 5, Exhibit 20 of the confidential report of the Counter-Intelligence Corps, Department of the Army, which report was forwarded to the Department of Justice by War Department letter dated 6 June, 1945, we find the following pertinent paragraph which is quoted verbatim:

"The file contains a memorandum dated October 22, 1943, prepared by Mrs. Ruth Shipley, Chief, Passport Division, State Department, pointing out that on December 8, 1941, Ikuko Toguri had applied for a passport in Tokyo, having left the United States in July 1941 without an American passport. No instructions were sent to Ikuko Toguri as to her status due to the outbreak of war, but the Department had ruled that she was entitled to a passport to return to the United States. This memorandum concludes as follows: 'The presumption of having ceased to be an American citizen is now resting against her under provisions of Section 402 of the Nationality Act of 1940.'"

It is believed that it would be well for the Department to have Mr. Hogan or some other person proceed immediately to the Department of State for the purpose of reviewing their file in this matter, and conferring with experts at the Department of State concerning the question of any presumption of expatriation that may exist in defendant's favor. An explanation and interpretation by qualified experts from the State Department as to the portion of the memorandum above quoted would be beneficial and helpful. There is, of course, plenty of evidence available that during the time that she broadcast, defendant was not serving in the armed forces of the Imperial Japanese Government, and

GERALD R. FORD

*File
1/13/49*

Hogan

Alexander M. Campbell, Esq.

-2-

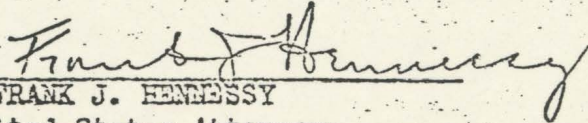
January 12, 1949.

that she did not occupy any position for which only Japanese nationals were eligible. Time being of the essence, I should, of course, be advised immediately as to the result of the research and interview above suggested.

The Department's attention is called to the provisions of Title 8 U.S.C. Sec. 802, which is the applicable statutory provision concerning the legal presumption of expatriation referred to in the State Department memorandum above quoted. The Justice Department's legal views on the question herein discussed are likewise desired.

The Department will be kept advised as to all material developments that ensue herein.

Respectfully,


FRANK J. HENNESSY
United States Attorney



Office Memorandum • UNITED STATES GOVERNMENT

TO : The Files

DATE: May 26, 1949

FROM : John B. Hogan

JBH:mvv

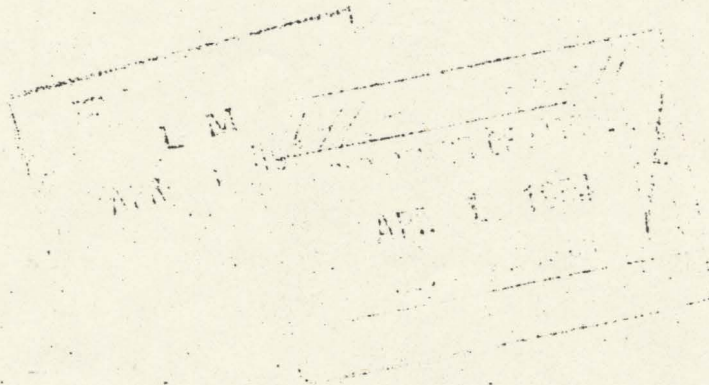
146-28-1941

SUBJECT: United States v. Iva Toguri D'Aquino

This afternoon, Harry T. Brundidge telephoned me from New York and advised that the information he was about to give he had received in confidence but felt that the Government should have it.

Clark Lee prepared and submitted to International News Service for publication a series of six articles. The title and the general subject matter of these articles were unknown to Mr. Brundidge. He stated that among other things the series included a most bitter and vitriolic denunciation of the Government for having even considered a prosecution of the defendant in this case. The language of the article was so bitter against the Government that Mr. Barry Ferris, Editor and Chief of INS, returned it to Lee refusing to have anything to do with his publication. It was Mr. Ferris who gave this information to Mr. Brundidge. The conclusion which Mr. Brundidge draws from the above facts is that Lee will most likely be extremely sympathetic to the defendant if called to the stand by the Government.

Mr. Brundidge told me in addition that he had seen a newspaper clipping which stated that Clark Lee and his wife will leave Monterey, California, on June 2, 1949, for a trip to Europe.



Over file



Notes by jury Foreman

John Mann 1949

These we were to have around everytime we left the building. Court stayed in session, recessing but reconvening for each request the jury had for testimony or evidence. The crowd stayed on. On Monday night at 11:00 p.m. when we returned to the courtroom prior to adjourning to the hotel for the night, there was a fully packed courtroom.

✓ All Monday afternoon and all day Tuesday we went through the judge's lengthy instructions, especially the essential elements as listed in relation to each of the overt acts. There was a considerable feeling in the jury that there were grounds for acquittal. Insofar as most of the overt acts were concerned, there was a general opinion that they had been committed, but the question boiled down to the sixth essential element which provided that she must have had intent to betray the United States. It was decided on Monday that we would eliminate all overt acts except five and six, which alleged that she wrote the script and broadcast about the loss of ships. As the essential elements were progressive in character, we started with No. 1 and agreed unanimously all the way up through No. 5 and into No. 6 where we divided over the matter of intent which is of importance in any criminal case. Nos. 7 and 8 were readily agreed to provided we could decide on No. 6.



✓ By Tuesday evening we had made little progress beyond a point reached on Tuesday a.m. at 9:30 when a ballot resulted in 9 to 3 for conviction. Meanwhile we had requested much of the testimony and many exhibits and for each request we were recalled to the courtroom and our request transmitted to attorneys for both sides to stipulate agreement to our request. It was very difficult to request specific testimony without divulging to the courtroom the nature of our deliberations.

✓ On Tuesday evening it was decided to notify the Court that we were hopelessly deadlocked. This was done and the judge called us in and notified us once again of the importance of the case, the terrific expense already incurred and the fact that another three months' trial was impending if we went undecided. He told us the instructions given the United States Marshalls were that we should be permitted to deliberate at any time we chose, to go to meals at any time and to retire when we chose, but for us to go back to the jury room and make every attempt possible to reach a verdict.

The Marshalls were extremely careful with us. We could speak to no one, telephones were cut off in our hotel rooms, radios removed; we could not read any papers or get in touch with our families except through the Marshall's Office. I had brought a razor along but by Wednesday I requested the Marshall to phone a young lady in our office requesting she purchase me a change of clothes. This she did most satisfactorily and a very welcome change arrived.

✓ On Wednesday we argued and debated with little progress, although at times some of the jurors waived temporarily, but lines were pretty well drawn with nine for conviction and three of us for acquittal. Most of the responsibility for the acquittal arguments depended on a lady juror and me, with my catching the brunt of it.

Our contentions for acquittal were based on those instructions which said the defendant was presumed innocent until proven guilty and that it was up to the prosecution to make that proof beyond any reasonable doubt. Added to that was the statement in essential element No. 6 that aiding the enemy was not treason in itself unless there was intent to betray the United States.

Nerves were becoming frayed; heated arguments were held and it was a pretty slim jury that retired on Wednesday night. I did not get to sleep until almost 4:00 a.m.

Thursday started out where we left off on Wednesday. We did request further transcripts of testimony but not with much hope as it was pretty difficult now to change any opinions. At 5:00 p.m. we requested clarification from the judge on intent definitions as contained in the instructions. At 6:00 p.m. he called us into court and answered the request by saying that we should consider the instructions as a whole and not pick any individual parts for our use. He then suggested that we retire for dinner or for the evening.

We returned to the juryroom and feeling that the judge's comments were in the nature of a denial of clarification of the case for acquittal, the three of us decided to acquiesce and make a guilty verdict unanimous.

We voted on each of the overt acts and there was a unanimous guilty vote on Overt Act No. 6, the broadcast about the supposed loss of all American ships and the fact that the G.I.'s could not get home. On all of the others there was unanimity on a "not guilty" verdict.

As foreman of the jury I wrote the "guilty" verdict and signed it and then on an individual verdict for each overt act I duly inserted "no" to indicate the jury's vote except on No. 6 where "yes" was inserted. I signed this and then a very solemn and weary jury sent word to the Judge that we had agreed finally.

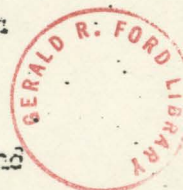
The drama in the Courtroom had increased with each of our return trips to court as each trip was a possible verdict. I was under the impression that as jury foreman I must read the verdict; and in view of the tense situation, I was certain that no sound would be forthcoming when I opened my mouth.

Fortunately the courtroom was partially empty when we returned, as most of the people had assumed the jury had retired. As we filed in no one looked at the defendant, the counsel tables, the press table or the audience.

Upon the Judge's request, I rose and took the verdicts from my inside coat pocket. My relief was tremendous when he asked that I hand it to the clerk who, in turn, passed it on to the Judge, who with an implacable countenance looked through the several pages. He then returned it to the clerk with the request that he advise the court of the jury's decision. The clerk's voice faltered slightly in the very silent room as he read, "Guilty."

Immediately a rather disappointed "oh" ran through the court and the Marshalls quieted the room with some difficulty. The verdict on each of the eight overt acts was read and then each of the jurors was polled by name to answer if the verdict so reached was his wish.

The Judge then advised the jury that we had been extremely patient and able in the longest trial in San Francisco, thanked us and dismissed us into the hands of the reporters and photographers. Attempts to get away without an interview were impossible, and although we were non-committal, the papers and the



He die very shortly had a rather accurate account, including who were the hold-
outs, information which all jurors had agreed not to divulge. Information since
obtained indicated that the reporters, lawyers and court attaches had already
made a fairly good analysis of each juror. They had anticipated that I would be
the foreman, had figured that two others and I would go for acquittal, had picked
three that would stand for conviction and had four that would follow the majority.
Two of the jurors they could not figure. The alternate juror had been closed
as for acquittal and the press and the defense were hoping that she would be
called on to serve for that reason. The amazing part of all this is that they
were far ahead of the members of the jury who, of course, had tried similar
analysis. Also amazing is the fact that as for myself, I had not made up my
mind until after the Judge's instructions and so did not know regarding myself.
Throughout the entire trial the jurors were non-committal and apparently very
impartial in their attitudes. All of us were very annoyed at times by the de-
laying and time consuming tactics of the defense. All had the highest admiration
and respect for the father, sister and brother of the defendant, who were in
court daily and in every manner and movement acted as refined, reserved and
respected folks.

The chief prosecuting attorney was a very able chap, quite wise in
jury handling and used to making every move and word count. Yet many prose-
cution witnesses actually did more for the defense, and by the same token the
actions of some defense witnesses were of considerable assistance to the prosecu-
tion.

The entire trial was an education to those who listened. Our legal
understanding is much advanced, our knowledge of Japan and its people is greater,
our Pacific Geography is expanded, we know more of our Government, the Army and
the State and Justice Departments. We have seen and listened to people of fame,
we have heard much of the inside of radio broadcasting, the use and methods of
propaganda, we saw admitted to evidence a range of items from yen notes, to
military maps, to radio beam charts, to a photostated copy of a treaty made by
the Swiss Government between Japan and the United States wherein it was mutually
agreed to abide by the Geneva Convention in respect to prisoners of war. It is
difficult to describe the drama of an international treason trial.

Some of the jurors were naturally unhappy with the verdict. It was felt
that in the interests of strict justice alone, as it is ideally held in the
American mind, and free from emotion and prejudice, that the prosecution did
not prove guilt beyond a reasonable doubt. The press table had voted 9 to 1
that the defendant would be acquitted. All persons who handled her during her
year in the County Jail were extremely sympathetic to her. Her counsel, who
were acting without fee, were acting as crusaders in pursuit of what they be-
lieved was justice.

The newspapers, even in view of the personal opinions of the press who
covered the trial, were very fair in comment and editorials. We have seen such
items from various parts of the country and have been surprised at the general
fairness of their statements. I made one statement following the verdict to the
effect that although there was a desire on the part of a large portion of the
jury towards acquittal, it was difficult to do other than we did in view of the
Court's instructions. This was quoted considerably. It is a very truthful state-
ment and I believe it explains clearly the action of the jury.

On October 6, Judge Roche sentenced the defendant to ten years and a
\$10,000 fine. The defense has appealed.

Although it was an interesting and educational experience, I am glad it
is over and would not want to do it again.

