

held totally incommunicado for over two months until a Christmas visit from her husband was allowed. Thereafter, the only person permitted to visit was her husband – for only one twenty-minute session per month. After an exhaustive investigation by the Army and Federal Bureau of Investigation (FBI), the Justice Department concluded there was insufficient evidence to bring charges, and released her on October 25, 1946. During her confinement, government agents lost or destroyed their phonograph records and written transcripts of the alleged “Tokyo Rose” broadcasts. The case appeared closed and her life temporarily returned to normal. She settled in Tokyo with her husband, and became pregnant in 1947.

Going Home (1947-48)

Iva Toguri learned that her mother died in 1942 while incarcerated at Gila River, Arizona, and that her father, brother, and sisters had moved to Chicago. She wanted her child born in the United States (to guarantee her child acquire American citizenship), and she had a great desire to see her family. She applied once again for that long-elusive passport. She became one of the thousands of Japanese Americans stranded in Japan who sought to return home, but faced lengthy investigations concerning their activities. The American Consular officials told her she was “stateless” due to her marriage to a Portuguese citizen, but that she could re-establish her American citizenship if her passport application was approved. (Consular officials must have been unaware of the amended Cable Act.)

The State Department was caught in a bind: if she was permitted to return, there might be a public uproar; but there was no legal means to prevent her entry because she was a native-born citizen cleared by the Army and the FBI. Moreover, the Justice Department was in the embarrassing position of having lost or destroyed evidence which originally cleared her. Hence, the government issued a statement to the press that “Tokyo Rose” had applied to return to the United States. The public outcry was immediate and impassioned. Radio commentator Walter Winchell vigorously campaigned against her return (radio in the 1940s was a powerful medium). The American Legion and Native Sons and Daughters of the Golden West, with a long history of anti-Asianism, issued strong protests. The Los Angeles City Council passed a resolution opposing her return on the curious basis she might adversely affect “loyal” Japanese Americans. Possibly because many Caucasians could not envision her as an American citizen, no one particularly demanded her prosecution for treason. The traditional goals of anti-Japanese groups

were for removal and exclusion, not prosecution under due process. The protests delayed her return, and in January 1948 her baby died at birth.

Many newspapers, including the **New York Times**, published an appeal for anyone able to identify Iva Toguri as "Tokyo Rose" to report to the FBI. Claiming to have a "confession," Brundidge dug up his old field notes from the 1945 interview and delivered them to his friend, FBI Director J. Edgar Hoover. Attorney General Tom Clark rejected the notes as improper evidence, but Brundidge was not easily put off. Brundidge demanded and received a government-paid trip to Japan to get his notes signed by Iva Toguri. She was summoned by the Occupation Army to a meeting with Brundidge and John B. Hogan, a Justice Department attorney. She had been reading the American newspapers and was aware of the controversy surrounding her application to return. She was tired of the uncertainty, wanted desperately to see her family, and had come to the conclusion that if a trial was the only way to clear herself once and for all, she wanted to get on with it. Without legal counsel at this critical moment, she signed Brundidge's notes.

Presumably on the basis of the Brundidge notes, Iva Toguri was arrested once again on August 26, 1948 in Tokyo and charged with treason. While the government had earlier denied that she was a citizen, they now used the same birth certificate in her passport application as proof of her citizenship. According to law, when an alleged treason takes place abroad, the trial must take place at the first location where the accused is returned to American territory. Attorney General Clark publicly admitted she could not receive a fair trial in California. On the other hand, Hawaii might be too tolerant, so Clark initially announced she would be brought directly to the East Coast. It was a difficult, but not impossible, logistical task; and elaborate plans were made to transport her by air through Canada or Mexico. For an unexplained reason, Clark changed his mind and ordered her brought to San Francisco — a city considered to be a center of anti-Japanese prejudice. The ship carrying Iva Toguri purposely bypassed Hawaii and docked in San Francisco on September 25, 1948. She was escorted off the ship by numerous FBI agents and brought before Federal Commissioner St. J. Fox, who read a complaint charging her with treasonable activities while in Japan. She was then taken to the old county jail near Chinatown's Portsmouth Square. She was finally home in America, albeit behind bars, and she saw her family for the first time since she left home in 1941. The Toguri family searched for a lawyer to defend her, but most attorneys turned down the case because the family was financially impoverished. Eventually, Wayne M. Collins, Theodore Tamba

and George Olshausen volunteered to represent her without fee. (Collins, a strong advocate of civil liberties, also was a non-paid volunteer attorney for Fred Korematsu's constitutional challenge to the wartime incarceration, the renunciants' fight to regain American citizenship, and the Japanese Peruvians' battle to prevent deportation to Japan. Collins took these controversial cases when the National American Civil Liberties Union and National Japanese American Citizens League declined to act.) She was, at last, accorded the right to legal counsel.

Grand Jury (1948)

A Federal Grand Jury was convened in San Francisco in October 1948 to determine if there was "probable cause" for the treason charges. After reviewing the evidence, the Grand Jury refused to indict Iva Toguri unless the other American citizens involved at Radio Tokyo were similarly charged. Grand Jurors were especially insistent that Captain Ince, a POW who had worked with her, be charged. When prosecutors claimed Ince was still in the army and outside their jurisdiction, the Grand Jury adjourned without an indictment, went on "strike," and announced they would hold no further sessions until prosecutors prepared charges against Ince. Harried prosecutors then promised Ince would be charged before an army court-martial. Based on that explicit promise, the Grand Jury issued an eight-count indictment against Iva Toguri. (The promise was never kept. Ince was promoted to major shortly thereafter.) In historic hindsight, the eight "Overt Acts" charged seem vague and inconsequential (see Appendix B).

Following the indictment, defense lawyers made a motion for bail, but Federal Judge Louis B. Goodman ordered her confined without bail. She was in prison for nearly two years (counting her imprisonment in Japan) before her trial started the next year.

All-White Jury (1949)

At the arraignment before Federal District Judge Michael J. Roche on January 4, 1949, Iva Toguri pleaded innocent to all counts. (In 1943, Judge Roche denied a Habeas Corpus petition from Mitsuye Endo, an American woman involuntarily detained despite the government's lack of charges against her. This was one of the important test cases challenging the constitutionality of the mass detention of American citizens based on ancestry.) In the preparation for her trial, defense lawyers petitioned the court to subpoena

defense witnesses from Occupied Japan. The judge denied her constitutional right to summon these witnesses in her favor (see Appendix A). Meanwhile, prosecutors, who were provided with a list of potential defense witnesses, teletyped the names and addresses to the FBI Office in Tokyo. FBI Agent Frederick Tillman, accompanied by armed American soldiers, called on the Japanese witnesses and intimidated them (see Appendix D). The judge allowed transportation expenses for one defense lawyer and one translator to travel to Japan to obtain written depositions, but most witnesses were too frightened by then to cooperate. The prosecution did not have such handicaps. Prosecutors brought 19 Japanese witnesses from Occupied Japan using government transportation, paid the witnesses \$10 per day with government funds, and allowed them to go sightseeing for several weeks in California.

The trial began on July 5, 1949, in the Federal District Court in San Francisco with Judge Roche presiding. Jury selection proceeded with unexpected speed and was completed within two hours. Eight non-whites (six Black Americans, two Asian Americans) were on the first jury list, but prosecutors used peremptory challenges to remove all eight. Prosecutors were allowed 12 more peremptory challenges, but as soon as the panel was all-white, prosecutors announced acceptance. (Special Prosecutor Thomas DeWolfe was an observer at an earlier treason trial for Tomoya Kawakita in Los Angeles. The three jurors who held out longest against conviction were reported to be minority persons: A Black American, a Jewish American, and a Japanese American.) The defense also accepted the all-white jury of six men and six women.

The Prosecution

Attorneys for the prosecution were Frank J. Hennessy, head of the Justice Department's Northern California office; Thomas DeWolfe, who had successfully convicted Mildred Gillars for treason; John Hogan, who accompanied Brundidge to Japan; and James Knapp, a new Justice Department lawyer. The prosecution was required to prove Iva Toguri committed treason as defined in the Constitution: "Treason against the United States shall consist only in levying war against them, or adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act . . ." (see Appendix A).

Clark Lee opened the prosecution's case, testifying that Iva Toguri admitted to him she was a broadcaster at Radio Tokyo. However, Lee could only testify as to what she allegedly told him at that single interview, and he had no direct knowledge of what went on at Radio Tokyo. Co-accuser Harry Brundidge was present in San Francisco during the trial, but strangely enough, the prosecution did not call Brundidge to the witness stand. The reason became obvious when the next prosecution witness was cross-examined. FBI Agent Tillman testified he knew that a key witness before the Grand Jury, Hiromi Yagi, was bribed by Brundidge to falsely say he saw and heard Iva Toguri broadcasting anti-American statements (see Appendix C). Brundidge was not allowed to testify – apparently because the prosecutors, the defense attorneys, and the judge all agreed that Brundidge was an unreliable witness.

Several former soldiers testified they heard "Tokyo Rose" while stationed in the Pacific Theater, but they contradicted each other on the broadcaster's voice, accent, theme song, language, and time of program. The inconsistency was due to the fact that the soldiers actually heard different women, on different programs, at different times, broadcast from different locations. The ex-soldiers were actually identifying the legend of "Tokyo Rose", not the person on trial. None of the prosecution's American witnesses saw Iva Toguri commit the overt acts charged. Also, the prosecution did not present any recordings linking the defendant with the overt acts charged.

Thus, the prosecution's case depended on the testimony of Japanese officials present at Radio Tokyo during the war. Shigetsugu Tsuneishi, former Lt. Colonel in the Japanese army and chief of propaganda broadcasting, testified under cross-examination that "Zero Hour" was supposed to eventually contain propaganda, but it never got beyond the point of building listener interest

with appealing music. Tsuneishi said he waited for a Japanese battle victory to insert propaganda, but Americans won every battle after "Zero Hour" was inaugurated, and he observed, "Propaganda broadcasts from the losing side were rather ineffectual." He said English-speaking women broadcasters were used on 13 Japanese-controlled radio stations besides Tokyo: Arai, Bandung, Bangkok, Hsinking, Korea, Manila, Nanking, Rangoon, Saigon, Shanghai, Singapore, Soerabaja, Taiwan. (The specific locations in Korea and Taiwan were not identified.)

The critical witnesses for satisfying the constitutional requirement regarding treason conviction were two "ex-Americans" who claimed they saw Iva Toguri engaged in broadcasting as charged. One was George Mitsushio, who was born in San Francisco, attended the University of California at Berkeley and Columbia University, but left for Japan in 1940 and eventually became the civilian chief of the "Zero Hour" program. The other was Kenkichi Oki, who was born in Sacramento, attended St. Mary's College in Moraga and New York University, but left for Japan in 1939 and eventually became the production supervisor at Radio Tokyo. Both men claimed they changed nationality by signing their names in the Japanese family registry. According to the Jus Sanguinis laws of Japan, this action made them Japanese citizens; but they did not legally renounce their American citizenship before the U.S. Consul. They were technically citizens of both nations, and therefore were subject to treason charges by the United States. Oki testified he was not appearing voluntarily but had been brought forcibly to San Francisco by order of the U.S. Occupation Forces. Newspaper commentary focused on the irony of Iva Toguri being charged with treason because she insisted on retaining her American citizenship, while the key witnesses against her were "turncoats."

The Defense

The main defense witnesses were the three former POWs who worked on the "Zero Hour" program. Charles Cousens voluntarily came from Australia at his own expense to testify. Cousens, who had been previously cleared by Australian courts, testified he recruited Iva Toguri for the job, recalled he talked her into broadcasting by assuring her the program was "straight-out entertainment," and had said if she would "place herself under my orders, I would see to it that she did nothing harmful." He said only bright, pleasant music was played, and community sing-alongs were used as morale-building devices. Cousens said he wrote in British idiom, so Iva Toguri could not have spoken with the alleged American slang.

Wallace Ince, who had been earlier cleared by the U.S. Army and promoted to major, corroborated Cousens' testimony. Ince was a cautious witness because of the Grand Jury's demand for his prosecution. Norman Reyes, who likewise had been cleared by the Philippine government, also confirmed Cousens' testimony and added he was so sure of Iva Toguri's loyalty he would have trusted her with his life. But prosecutors produced a statement signed by Reyes in 1948 which was inconsistent with his oral testimony. Reyes explained the FBI intimidated and frightened him into signing a fabricated statement during a 20-hour interrogation in Occupied Japan. But the judge ruled Reyes to be an unreliable witness, and disqualified all of Reyes' testimony.

Yoneko Matsunaga, an American student stranded in Japan during the war, testified she was drafted to work as an announcer on the "German Hour," a program produced by the German Embassy in Tokyo, and that her broadcasts were similar to "Zero Hour." Also, Mark Streeter, an American construction worker captured on Wake Island, and John D. Provoo, an American army sergeant captured in Corregidor, testified they were forced to do broadcast work at Radio Tokyo like the defendant. None of the other American citizens who engaged in radio broadcast work for the Japanese were ever charged with treason.

Three important defense witnesses were disqualified and removed from the witness stand by Judge Roche. The judge ruled their testimonies were not related to the case. They were Captain Edwin Kalbfleish, Jr., who was starved, beaten, and nearly executed for refusing to do radio work for the Japanese; Suisei Matsui, who operated a Japanese radio station in Java using English-speaking Indonesian women as announcers; Ken Murayama, who wrote scripts for Myrtle Liston to broadcast programs similar to "Zero Hour" from

a Japanese radio station in Manila.

As the final defense witness, Iva Toguri told her own story to the court. She emphasized she had no intent to betray the United States and believed she was only entertaining American troops. She said she retained her American citizenship and loyalty throughout the war years, despite threats and pressure. Iva Toguri was a sympathetic and convincing figure for the courtroom audience. The trial started out in the traditionally anti-Japanese mode: selection of an all-white jury, intentional use of the derogatory term "Jap," and segregation of Japanese and Caucasian witnesses into separate waiting rooms. But by the time the trial was nearing conclusion, courtroom spectators and newspaper reporters were nearly unanimously sympathetic to the defendant. In a straw vote, the press corps voted 9 to 1 for acquittal on all counts. This remarkable transformation was brought about solely through the persuasiveness of the defendant's case. In contrast to the present-day trials with racial or political overtones where defense support groups have helped to raise pertinent issues for the attorneys, judge, press, spectators (and jury indirectly through attorney's questions and remarks), there were no defense committees for Iva Toguri in 1949.

Conviction and Sentence

The trial lasted 56 days and cost the government over \$500,000. It was the longest and most expensive trial on record at the time. The jury began deliberation on Monday, September 26, and in the early ballots they stood 10 to 2 for acquittal on all counts. By Tuesday night, after 20 hours of debate, the jury came to a 6 to 6 deadlock and informed the judge that they were unable to reach a verdict. Judge Roche called the court into session at 10:15 p.m. that night, declined to rule a hung jury, and admonished the jurors until midnight, reminding them how long and expensive the trial had been for the government and appealing to their sense of patriotic duty. The jury deliberated two more days, and announced their verdict on September 29: innocent on seven counts; guilty on one count. She was convicted for one "Overt Act": "That on a day during October 1944, the exact date being to the Grand Jurors unknown, defendant in the offices of the Broadcasting Corporation of Japan did speak into a microphone concerning the loss of ships" (see Appendix B). There was an audible gasp of disbelief from the 100-plus spectators who had gathered expecting to celebrate an acquittal.

Iva Toguri was convicted for allegedly reading over the air, shortly after the Battle of Leyte Gulf, the words: "Orphans of the Pacific. You really are orphans now. How will you get home, now that all your ships are sunk?" The incongruous historic fact is that the Battle of Leyte Gulf was a resounding victory for the United States, and it is difficult to imagine how American troops could have been demoralized by such words. If anything, it must have sounded like hilarious comedy.

On October 7, 1949, Judge Roche sentenced Iva Toguri to 10 years in prison and a \$10,000 fine. Loss of American citizenship was automatic according to law. Thus, at age 33, she lost the citizenship she so tenaciously preserved and the citizenship which caused her to be convicted of treason. Defense motions for mistrial, arrest of judgment, clemency, and bail pending appeal were all denied by Judge Roche. Supreme Court Justice William Douglas later granted bail for \$50,000 pending appeal, but the money could not be raised. She said a final good-bye to her husband, who was in San Francisco for her trial, and was taken to Alderson Federal Reformatory for Women in West Virginia. Felipe d'Aquino was forced to sign a statement that he would never try to enter the United States again, and was taken back to Occupied Japan. Appeals based on denial of legal counsel, unlawful detention, denial of speedy trial, destruction of evidence, perjured testimony before the Grand Jury, denial of defense witnesses, misconduct by prosecutors, prejudicial instructions by the judge were all denied by the appellate courts. The Supreme Court rejected appeals for review three times in the next three years.

The Continuing Ordeal (1956 – present)

Iva Toguri was released from Alderson Federal Reformatory in January 1956, after serving six years and two months, with reduced time for good behavior. She was reported to have been a model prisoner. She went to live with her family in Chicago. Her return home might seem a final ending to her long struggle, but that was not to be. Promptly upon her release, the Immigration and Naturalization Service began deportation proceedings, claiming she was an “undesirable alien” and deportable under provisions of the McCarran-Walter Immigration and Naturalization Act of 1952. She had served her sentence and presumably paid her debt to society, exile was not part of her sentence, and the 1952 law was **ex post facto**. Nonetheless, the government gave her 30 days to leave the United States, or be forcibly deported. She moved back to San Francisco in May 1956 to defend herself in the deportation hearings, living with the Collins family. In 1958, the Immigration and Naturalization Service cancelled the deportation order, explaining they had nowhere to deport her since she held neither Japanese nor Portuguese citizenship. She returned to Chicago to live with her father and work in the family store. Reunion with her husband was not possible. The United States refused to grant d’Aquino an entrance visa; and if she left the country as a stateless person, she could not expect to return. Despite these barriers, they have not divorced in deference to their Catholic religion.

In 1968, the Justice Department demanded payment of the \$10,000 fine. However, she was without assets and worked only for subsistence in the family store. A Federal District Court in Chicago ordered her to surrender the cash value of two life insurance policies. The Chicago Japanese Civic Association Credit Union granted a loan equal to the cash value of \$4,745, and the fine was partially satisfied. In 1971, the Justice Department again summoned her into court to demand payment of the balance of \$5,255. Attorney Jiro Yamaguchi represented her in the Chicago proceedings; but Wayne M. Collins remained as associate counsel, and Collins blasted the government for capricious harassment. Collins charged the government must have billions of dollars in fines which they never try to collect. On November 14, 1972, the Seventh United States District Court of Appeals denied her a hearing to show why she could not be made to pay the remaining fine.

Attorney Theodore Tamba filed a petition for executive clemency (pardon) with the President of the United States on June 7, 1954 (Dwight Eisenhower was President), but Tamba’s petition was not answered. Collins filed a second petition for presidential pardon on November 4, 1968 (Lyndon Johnson was

President; Richard Nixon was elected one day later), but Collins' petition was not answered either. A petition for presidential pardon can be filed only once during a six-year period.

Iva Toguri's father recently died, and his will stipulated that the remaining fine be paid from his estate. The government collected the last bit of retribution and closed her case. She is now 59 years of age, manages the family store for a living, and tries to remain as inconspicuous as possible. She is still a stateless person and she dreads publicity because every time articles appear in the newspapers about "Tokyo Rose," she receives threatening mail and telephone calls.

The Legend of "Tokyo Rose" persists, but most of Iva Toguri's adversaries are now dead: Journalist Clark Lee died in 1953; Prosecutor Thomas DeWolfe in 1959; Journalist Harry Brundidge in 1961; Prosecutor Frank Hennessey in 1968; Prosecutor John Hogan in 1968. Judge Michael Roche died in 1964. Her loyal defenders are also gone: Theodore Tamba died in 1973 and Wayne Collins in 1974. (The third defense counsel, George Olshausen, is living in Europe.)

EPILOGUE

During her trial in 1949, there were no organized groups supporting Iva Toguri. While Japanese Americans may have sympathized with her predicament, there was very little they could effectively do to help while their own position in American society was under attack. As their hard struggle to gain fundamental rights progressed, Japanese Americans warmed up to the idea of supporting Iva Toguri, but it was an excruciatingly slow evolution. In 1957, William Hosokawa suggested in the Japanese American Citizens League (JACL) newspaper: "Perhaps it is time to acknowledge that she does indeed exist, and say firmly that we are interested in seeing that she gains justice." In 1969 proposals were initiated within JACL in support of Iva Toguri and also in 1974 a resolution was adopted by the National Council of the Japanese American Citizens League (JACL) committing support for her (see appendix E). Now the largest national human rights organization representing Americans of Japanese ancestry with 30,000 members throughout the United States is supporting Iva Toguri.

The general public also had difficulty supporting Iva Toguri during her trial. McCarthyism was beginning to sweep the country in 1949, and most people withdrew from involvement in controversial cases. Congressional committees started investigating alleged communists in government and the movie industry, loyalty oaths were imposed on college professors and the espionage trial of Judith Coplon and perjury trial of Alger Hiss were in progress (Hiss was recently readmitted to the practice of law). When the severe repression subsided a bit in 1957, a small support committee was formed in San Francisco during Iva Toguri's deportation hearing, but people were still afraid to become involved.

Wayne M. Collins, Jr., has lived with the Toguri case since childhood, and when his father died he took over as Iva Toguri's attorney and chief advocate. He is planning to file another petition for executive clemency with the President of the United States. With the support of the American people, Iva Toguri has a good chance to redeem her name and regain her precious American citizenship. Iva Toguri deserves justice. She has suffered enough.

APPENDIX A

CONSTITUTION OF THE UNITED STATES OF AMERICA

Article III, Section 3:

Treason against the United States shall consist only in levying war against them, or adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court. The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood, or forfeiture except during the life of the person attainted.

(Definition of Corruption of Blood: The effect of an attainder upon a person which bars him/her from inheriting, retaining, or transmitting any estate, rank, or title.)

Amendment VI:

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

APPENDIX B

CHARGES AGAINST IVA TOGURI

That said defendant committed each and every one of the overt acts herein described with treasonable intent and for the purpose of, and with the intent in her to adhere to and give aid and comfort to the Imperial Japanese Government.

Overt Act I:

Between March 1, 1944 and May 1, 1944, the exact date being to the Grand Jurors unknown, defendant in the offices of the Broadcasting Corporation of Japan discussed with another person the proposed participation of defendant in the radio broadcasting program.

(Verdict: INNOCENT)

Overt Act II:

Between March 1, 1944 and May 1, 1944, the exact date being to the Grand Jurors unknown, defendant in the offices of the Broadcasting Corporation of Japan did discuss with employees of the said corporation the nature and quality of a specific proposed radio broadcast.

(Verdict: INNOCENT)

Overt Act III:

Between March 1, 1944 and May 1, 1944, the exact date being to the Grand Jurors unknown, defendant in the offices of the Broadcasting Corporation of Japan did speak into a microphone regarding the introduction of a program dealing with a motion picture involving war.

(Verdict: INNOCENT)

Overt Act IV:

Between March 1, 1944 and May 1, 1944, the exact date being to the Grand Jurors unknown, defendant in the offices of the Broadcasting Corporation of Japan did speak into a microphone referring to enemies of Japan. (Verdict: INNOCENT)

Overt Act V:

Between March 1, 1944 and May 1, 1944, the exact date being to the Grand Jurors unknown, defendant in the offices of the Broadcasting Corporation of Japan did prepare a script for subsequent radio broadcast concerning the loss of ships. (Verdict: INNOCENT)

Overt Act VI:

That on a day during October 1944, the exact date being to the Grand Jurors unknown, the defendant in the offices of the Broadcasting Corporation of Japan did speak into a microphone concerning the loss of ships. (Verdict: GUILTY)

Overt Act VII:

That on or about May 23, 1945, the defendant in the offices of the Broadcasting Corporation of Japan did prepare a radio script for subsequent broadcast. (Verdict: INNOCENT)

Overt Act VIII:

That on a day between May 1, 1945 and July 31, 1945, the exact date being to the Grand Jurors unknown, defendant in the offices of the Broadcasting Corporation of Japan did engage in an entertainment dialogue with an employee of the Broadcasting Corporation of Japan for radio broadcast purposes. (Verdict: INNOCENT)

APPENDIX C

Excerpts from a Letter to the President of the United States Which Accompanied a Petition for Executive Clemency By Theodore Tamba, Attorney at Law, June 7, 1954

The most shocking experience I had was the alleged conduct of a man named Harry Brundidge, a newspaperman . . . (who) accompanied to Japan a man named Hogan, an attorney for the Justice Department . . . Mr. Brundidge is alleged to have deliberately bribed witnesses by promises of trips to the United States and other gifts. While Brundidge was in Japan with Hogan, he made contact with (Hiromi) Yagi who was induced to come to the United States as a witness for the United States Government, and who testified before the United States Grand Jury . . .

My investigation developed that Yagi was then an employee of the Japanese Travel Bureau . . . and I went to the Japanese Travel Bureau and there met Yagi. I then asked (Yagi) what he knew about the case of alleged treason against (Iva Toguri). (Yagi) then gave me a narrative of one of the most obviously fictitious stories I have ever heard in my professional career. Finally, under questioning by me, Yagi stated that this was a story he and Brundidge had concocted . . .

I had the occasion (to meet a man named Toshikatsu Kodaira, a Japanese newspaperman working for the United Press in Tokyo). Mr. Kodaira then proceeded to narrate the events truthfully and his statements are supported by his deposition on file in the United States District Court in Northern California, much of which was not allowed in evidence. (Kodaira stated he accompanied Yagi to a meeting with Brundidge, and that Brundidge attempted to bribe both of them with whiskey, clothing, and a trip to the United States.) Kodaira was summoned by the (United States) Occupation to the Office of Occupation Intelligence Service and there he confronted Yagi, who admitted that the testimony he (Yagi) gave before the United States Grand Jury was pure fiction. Kodaira produced the suit of clothes given him by Brundidge. The trousers and coat bore the name of Harry Brundidge.

APPENDIX D

Excerpts from a Letter to the President of the United States Which Accompanied a Petition for Executive Clemency By Wayne M. Collins, Attorney at Law, November 4, 1968

There was no trick or device to which the government's agents would not or did not resort in seeking an undeserved conviction . . . They seized two of the Australian witnesses (Maj. Charles Cousens and Sgt. Kenneth Parkyn) who had notified the Attorney General that Iva (Toguri) was guiltless of any act against the interests of the United States and that they offered to testify on her behalf. Both were former prisoners of war held by the Japanese at the Bunka Prisoner of War Camp in Tokyo. Two F.B.I. agents seized them on their arrival from Australia and secreted them in a locked room at the Pan American Airway Terminal at the San Francisco Airport and subjected them to interrogation and attempted to browbeat them into refusing to testify for the defendant. They held those Australian ex-soldiers incommunicado until counsel for the defendant was informed by a Customs officer that the agents had taken the two Australian passengers to that room. Thereupon, counsel for the defendant broke through the locked door, irrupted into the room and brought the tete-a-tete to an abrupt climax and halt.

On March 1, 1949, the defendant filed a notice of motion for an order of court of the issuance of subpoenas to be served on 43 witnesses for the defendant in Japan for the taking of their depositions. To obtain such an order on behalf of the impoverished defendant at government expense, the defendant was required by court rule to file an affidavit specifying therein the name and address of such witnesses and a statement of the testimony expected to be elicited from them. Immediately following the service of such a notice and affidavit on counsel for the prosecution, the names and addresses and contents of the affidavit revealing the testimony expected to be elicited from each of the 43 witnesses was teletyped to the Justice Department and relayed to F.B.I. agents in Tokyo. Thereupon, F.B.I. agent Fred Tillman accompanied by one or two M.P.'s called upon a majority of the witnesses and coerced them to sign statements containing a multitude of falsities.

APPENDIX E

NATIONAL JAPANESE AMERICAN CITIZENS LEAGUE RESOLUTION

**Adopted by the National Council on July 27, 1974
at the 23rd Biennial National Japanese American
Citizens League Convention in Portland, Oregon.**

WHEREAS, Iva Toguri was the victim of wartime hysteria and became a scapegoat for her alleged role as "Tokyo Rose" for those forces which sought to foster vengeance and national retribution; and

WHEREAS, Iva Toguri suffered imprisonment, embarrassment, and physical and mental anguish for alleged acts of treason; and

WHEREAS, it is now apparent that much of the evidence and the conduct of her trial were highly questionable and prejudicial and that in view of the motivations and climate of public hysteria at the time of the trial the verdict is a blot on the integrity of American jurisprudence;

NOW, THEREFORE, BE IT RESOLVED that the Japanese American Citizens League, meeting at its 23rd Biennial National Convention in Portland, Oregon, July 23 to 27, 1974, recognize that Iva Toguri was unjustly tried and convicted in the aftermath of World War II;

BE IT FURTHER RESOLVED that the JAACL offer to Iva Toguri and her family its belated apology for long silence and inaction;

BE IT FURTHER RESOLVED that the JAACL use its leadership, manpower, and resources to correct the miscarriage of justice in Iva Toguri's case by seeking all executive or other remedies available under the law;

BE IT FURTHER RESOLVED that the JAACL personally contact Iva Toguri to apprise her of the action of the National Council, and to ask whether she desires, consents to, or accepts any help from the National organization.

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