Santa Fe

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October 15, 1951

Honorable James M. McInerney Assistant Attorney General Criminal Division Department of Justice Washington 25, D. C.

Attn: Mr. Robert Erdahl

Subj: D'Aquino vs. United States

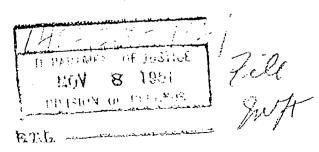
Dear Sir:

ः अन्यस्**र्ध्यं व्यक्तिसम्**

I read in the Albuquerque papers that the Court of Appeals for the Ninth Circuit has unanimously affirmed the above entitled treason prosecution. You will recall that this case was briefed and argued by Mr. DeWolfe and myself.

According to items appearing in the local newspapers it appears that Mr. DeWolfe will be detained in St. Louis. In the immediate future, and I will be detained in New Mexico until the 1st of November in connection with the motion for new trial, in the case of United States vs. Humble Oil Company et al.

Therefore, it is apparent that someone in the Washington office may be called upon to handle the above captioned matter, in the event that a petition for certicorari is filed by Mrs. D'Aquino. In any event, it may be necessary for the government to recover its copy of the transcript and the photostatic copies of the exhibits which were lodged with the Clerk of the Court of Appeals for the Ninth Circuit. I suggest therefore, that your office write to Mr. Paul O'Brien and request that the above described transcript and exhibits be sent by him without delay to your office.



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You will recall that the appellant in the above entitled case appealed in forma paperis, and that the government was required to lodge its only copies of the transcript and exhibits with the Court at the time the appeal was argued. At that time Mr. DeWolfe and I arranged with Mr. O'Brien for the return-of these documents.

Sincerely yours,

JAMES W. KNAPP Special Asst. to the Atty.Genril.

JWK/vl

DEFARTMENT OF JUSTICE ADMIN. RECORDS BRANCH TELEGRAPH OFFICE

JMM:ZCB:EP /46-28-194/

1951 OCT 11 PM 5:15

OCTOBER 11, 1951

JAMES W. KNAFP, ESQUIRE SPECIAL ASSISTANT TO THE ATTORNEY GENERAL YO UNITED STATE: ATTORNEY ALBUQUERQUE, NEW MEXICO

NINTH CIRCUIT UNANIMOUSLY AFFIRMED JUDGMENT CONVICTION

IVA TOGURI D'AQUINO OCTOBER 10. SEVENTY-TWO PAGE OPINION

UNAVAILABLE UNTIL NEXT M'NDAY.

James M. McInermey Assistant attorney general

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> cc: Records / Chron Brookley

Robert S. Erdahl, Head, The Appellate Unit, Criminal Division

September 7, 195

JWK:eld

Mr. James W. Knapp

| 146-29-194|

Iva Ikuko Toguri d'Aquino vs. United States

In accordance with our telephone conversation, there are attached copies of the appellant's brief, reply brief and a copy of the government's brief in the above-captioned matter. There is also attached the printed portion of the record's volumes 1 and 2, which contain the indictment, motions and order of the court. I believe there is also a copy of the judgment and sentence in the printed portion. The printed portion of the record also contains the depositions, which were read at the trial since those depositions were not copied or taken down by the court reporter at the trial.

The transcript of the testimony at the trial (except for the depositions) is lodged with the Clerk of the Court of Appeals for the 9th Circuit. Mr. Paul O'Brien, Clerk of the Court, has assured me that the government's copy of the transcript will be released to the government when the decision is rendered by the court.

For your information, Mr. Tom DeWolfe can be reached c/o United States Attorney at St. Louis, and I may be reached c/o United States Attorney at Santa Fe, New Mexico.

Encl. 27141

CC: Records Chrono Mr. Knapp

JMM:TED:ae

146-28-1941

n 17

August 29, 1951

Chauncey F. Tramutolo, Esquire United States Attorney 422 Post Office Building 7th and Mission Streets San Francisco, California

Re: Iva Toguri D'Aquino

United States of America

Dear Mr. Tramutolo:

Reference is made to the above-entitled treason prosecution presently pending on appeal in the Court of Appeals for the Minth Circuit. This cause was argued on 16 March, and at the conclusion of the day the same was taken under advisement by the Court.

Please advise the Department by wire when the Court of Appeals hands down its opinion in this case, and rest assured that your cooperation in this matter is appreciated by the Department.

Respectfully,

For the Attorney General

JAMES M. McINERNEY Assistant Attorney General

cc: Records Chron.

Mr. DeWolfe

Mr. Knapp

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CRIMINAL DIVISION
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TELEGRAM SPECIAL

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DAMES M MCINERNEY, ASST ATTY GENL

DEPT JUSTICE, WA

RE DAQUINO VERSUS UNITED STATES 146-28-1941, TREASON. LEAVE HERE APRIL 6TH. CAN BE REACHED CARE OF UNITED STATES ATTORNEY SEATTLE UNTIL EVENING OF APRIL 9TH. AFTER LEAVING SEATTLE CAN BE REACHED AT OFFICE OF UNITED STATES ATTORNEY, BOISE IDAHO UNTIL EVENING OF APRIL 12TH

DE WOLFE AND KNAPP

146-28-1941 6TH 9TH 12TH

JC 1137A

DEPARTMENT OF JUSTICE
APR 3 1951
DIVISION OF RECORDS

CRIMINAL DIV. - TRIAL SEC

JIM: THD: od

February 27, 1951

146-28-1941

Frank J. Hennessy, Esquire United States Attorney United States Court House San Francisco, California

Ret Iva Toguri D'Aquino v. United States:

Dear Mr. Hennessy:

Reference is made to the above entitled treason prosecution presently pending on appeal in the Court of Appeals for the Minth Circuit.

We are shortly transmitting to you under Government bill of lading via Railway Express. 67 volumes of the typewritten transcript of the proceedings below. We are likewise transmitting to you via Railway Express, under separate cover, two sets of that portion of the record which was printed, together with a file containing photostatic copies of certain selected and material exhibits which went into evidence below on behalf of the United States.

We are also forwarding to you one photostatic copy of Government's Exhibit 12 and two copies of Government's Exhibit 25. Both of these exhibits were admitted in evidence on behalf of the United States at the trial on the merits. Exhibit 13 is a copy of the log of the transport "General Hodges" on which vessel subject was transported to the United States in the fall of 1948. Exhibit 25 consists of mimeographed scripts of monitored recordings that were received in evidence.

Messrs. DeWolfe and Knapp of this Division are scheduled to arrive in your District on or about March 11, 1951 in connection with the preparation for and argument of this case before the Court of Appeals for your Circuit. The documents above referred to should be retained in your office pending the arrival of Messrs. DeWolfe and Knapp in your District.

At the appropriate time Hesers. Devolfe and Knapp will file the the Clerk of the Court of Appeals the typewritten copies of the trial transcript together with the photostatic copies of the exhibits and the copies of Government Exhibits 12 and 25 hereinbefore referred to.

Photostatic copies of the pertinent and material exhibits admitted and offered on behalf of appellant will personally be trans-

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ported to San Francisco by Hr. Knapp, and at the appropriate time deposited by him with the Clerk of the Court of Appeals for your Circuit.

Please rest assured that your cooperation in the premises is greatly appreciated by the Department.

Respectfully.

For the Attorney General

JAMES M. Holmerney Assistant Attorney General S. A. Andretta, Administrative Assistant
Attorney General
James M. McInerney, Assistant Attorney General,
Criminal Division
Iva Toguri D'Aquino v. United States: Treason

February 27, 1951

JMM: TED: mp

146-28-1941

Reference is made to the above entitled treason prosecution presently pending on appeal in the Court of Appeals for the Ninth Circuit at San Francisco.

TED

This case is set for argument before the Court of Appeals at San Francisco on March 16, 1951. Inasmuch as appellant is proceeding in forma pauperis the record on appeal was not printed. We have in the possession of the Criminal Division 59 volumes of the transcript of the trial proceedings together with photostatic copies of certain exhibits which were admitted in evidence on behalf of the United States at the trial below.

These transcripts and the exhibits referred to will of necessity have to be used by the Court of Appeals at the time of argument herein and upon submission of the cause to that Court. It is requested that the same be shipped immediately on a Government bill of lading via Railway Express with Frank J. Hennessy, Esquire, United States Attorney, United States Court House, San Francisco, California, named as consignee. It is also requested that the transcripts and documents herein mentioned be packed by your Division for shipping.

Under separate cover a letter will be forwarded to Mr. Hennessy advising him of the transmittal to him of the transcripts and exhibits referred to.

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JMM:TED:ae

146-28-1941

January 31, 1951

AIR MAIL

Frank J. Hennessy, Esq. United States Attorney 422 Post Office Building 7th and Mission Streets San Francisco, California

Re: Iva Toguri D'Aquino

United States

TED

Dear Mr. Hennessy:

Reference is made to the above-entitled treason prosecution presently pending on appeal in the Court of Appeals for the Minth Circuit. It is requested that you seek advice from the clerk of the Court of Appeals for your Circuit as to the probable date when argument will be heard in San Francisco in this case.

Man

After receiving the information referred to from the clerk, it would be appreciated if you would relay the same on to the Department. Please keep the Department advised as to all material developments that ensue herein and rest assured that your cooperation is greatly appreciated.

Respectfully.

For the Attorney General

cc: Records Chron

Mr. DeWolfe

AMA MANY

JAMES W. McINERNEY Assistant Attorney General July:TED:ae

146-28-1941

F.W. F.

January 5, 1951

AIR MAIL



Frank J. Hennessy, Esquire United States Attorney San Francisco, California

Re: Iva Toguri D'Aquino v. United States

Dear Mr. Hennessy:

Reference is made to the above-entitled treason prosecution presently pending on appeal in the Court of Appeals for your Circuit.

IED

The brief on behalf of the United States as appelled therein is due 15 January 1951. You will find enclosed herewith five copies of the Government's printed brief. Please serve three copies of the same immediately upon counsel for appellant and file one copy with the clerk of the Court of Appeals, retaining one copy for your file.

paral post.

Twenty-five copies of the brief are being transmitted to you by railway express. Upon receipt of the twenty-five copies just referred to, it is requested that you file twenty copies of the same with the clerk of the Court of Appeals, pursuant to the applicable provisions of Rule 20 of the United States Court of Appeals for your Circuit, retaining five copies of the same for your office.

Please acknowledge receipt of this letter, and rest assured that your cooperation in the premises is appreciated by the Department.

Respectfully,

For the Attorney General

INSP'TD AUD MAILED COMMUNICATIONS SEC.

JAHRS M. McINERNEY Assistant Attorney General

and MAIL

Enclosure No. 238673

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Chron
Mr. DeWolfe

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146-28-1941

October 18, 1950



Frank J. Hennessy, Esquire United States Attorney San Francisco, California

Re: Iva foguri D'Aquino v. United States

Dear Mr. Hennessy

Reference is made to the above entitled treason prosecution presently pending on appeal in the Court of Appeals for your Circuit.

The Department acknowledges receipt of end thanks you for your letters of October 12 and 13 concerning the correction of the record on appeal herein, and the time extension obtained for the filing of the Covernment's brief. It is noted with satisfaction that you have procured an order correcting the record in the manner desired. It is likewise noted that you have procured an order extending the time up to and including January 15, 1951 for the filing of the Covernment's brief with the Clerk of the Court of Appeals at San Francisco.

The Department appreciates the cooperation which you have displayed in these natters. Please keep the Department advised as to all material developments that ensue herein.

Respectfully.

For the Attorney General

cc:

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JAFAN H. Heliffikk Assistant Attorney General

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146-28-1941

October 11, 1950

John B. Hogan, Esquire Special Assistant to the Attorney General Antitrust Division U.S. Department of Justice 510 Jefferson Building Philadelphia 7, Pennsylvania

RE: Iva Toguri D'Aquino v. United States

Doar Mr. Hogan:

Reference is made to the above entitled treason prosecution presently pending on appeal in the Court of Appeals for the Minth Circuit.

The Department acknowledges receipt of and thanks you for yours of September 26, 1950, pertaining to the correction of the trial transcript insofar as certain phases of your testimony is concerned.

A copy of your letter has been forwarded to the United States Attorney at San Francisco who is handling certain matters: in connection with the settlement of the record on appeal herein.

Please rest assured that your cooperation in this matter is deeply appreciated by the Department.

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Respectfully.

For the Attorney General

JAMES W. MCINERNEY Assistant Attorney General

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JIM; TAD: oa

146-28-1941

October 10, 1950

Frank J. Hennessy, Esquire United States Attorney Son Francisco, California

Re: Iva Coguri D'Aquino v. United States

Doar Mr. Hennessy:

Reference is made to the above entitled treason prosecution presently pending on appeal in the Court of Appeals for your Circuit.

You will find enclosed herewith copy of a letter to the Department under date of September 26, 1950 from John B. Hogan, Esquire, concerning the settlement of the record by the trial court so that the same will conform to the truth. The enclosure is self explanatory.

The Department would appreciate your views concerning the proposed correction of the trial transcript in the particulars mentioned in the Department's letter to you dated September 21, 1950.

Please keep the Department advised as to all material developments that ensue herein and rest assured that your cooperation is greatly appreciated by the Department.

Respectfully.

For the Attorney General

JAMES N. McINERNEY Assistant Attorney General

Enclosure No. 238690

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Records / Chron
Mr. DeWolfe



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JM:TED:1h

146-28-1941

October 9, 1950

Frank J. Hemmessy, Esquire United States Attorney 422 Post Office Building 7th and Mission Streets San Francisco 1, California

Dear Mr. Hennessy:

Re: Iva Toguri D'Aquino v. United States

Reference is made to the above entitled treason prosecution presently pending on appeal in the Court of Appeals for your circuit. The Department acknowledges receipt of and thanks you for your wire dated October 4 in which you advise that the Court of Appeals has granted the government's notion for an extension of time up to and including January 15, 1951 within which the government may file its brief as appelled herein.

Please rest assured that the Department deeply appreciates your cooperation in this matter. Please keep the Department advised as to all material developments that ensue herein.

Respectfully

For the Attorney General

Assistant Attorney General.

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was.

Records
Chron
Mr. DeWolfe

JYM: TED:mp

146-28-1941

September 28, 1950

Frank J. Hennessy, Esquire, United States Attorney. San Francisco, California.

Re: Iva Toguri D'Aquino v. United States

Dear Mr. Hennessy:

Reference is made to the above entitled treaton prosecution presently pending on appeal in the Court of Appeals for your Circuit.

Under date of September 13, 1950, you were served with three copies of appellant's brief. On said date you forwarded two copies of appellant's brief to the Department and the same were received here on September 15, 1950. The Clerk of the Court of Appeals has advised that appellant's brief was filed on September 15. Normally the government's brief under the rules becomes due on October 15, 1950. A three months extension within which to serve and file the government's brief is desired.

Records available in the Department disclose that the transcript of record was delivered to you and appellant!s counsel on April 25, and at that time both parties litigant hereto were advised that appellant's brief was due on June 5, 1950.

An order was entered on June 2 based on a stipulation executed between the respective parties hereto extending the time in which appellant could file her brief up to and including July 1. On June 26 a consent order was entered extending the time for the filing of appellant's brief up to July 17. On July 13 you entered into a stipulation with appellant's counsel extending the time for the filing of her brief up to and including August 17, 1950. On August 15 appellant, by virtue of a written agreement with you, obtained an extension of the time within which she might file her brief up to and including September 7. Although the Department's records in connection

Records -Chron Desolfe

INSP'TD AND MAILED COMMUNICATIONS SEC SEP 28 1950

with the various extensions might not be entirely accurate, it is believed that appellant obtained another extension by means of a stipulation executed by you so that her brief would be considered timely as of September 15 when filed.

Summarizing, appellant's brief was originally due on June 5, 1950, and based on stipulations obtained from you; she obtained extensions of time up to and including September 15 within which to file her brief.

Appellant's brief consists of 242 pages with an appendix comprising an additional 106 pages, and covers numerous points of law. For example the table of contents is seven pages in length and the Table of Cases, Statutes and Texts cited in the brief covers seven and one-half pages. Furthermore the brief contains countless references to the trial transcript and printed record. As you are well aware, the trial of this cause commenced on July 5, 1949, and culminated with the rendition of a guilty verdict on September 29, 1949. The typewritten transcript of the trial proceedings alone covers 57 volumes and consists of more than 6300 pages. In addition, the judgment roll, which constitutes the printed transcript of record, consists of two volumes covering 871 pages. The printed record generally contains post- and pre-trial motions, the Court's rulings thereon, and appellant's depositions admitted in evidence as corrected, in addition to those depositions of appellant which were offered and rejected.

The government's brief will be prepared in the Department. The printer has advised that it will take approximately one week and a half to print the government's brief and some time allowance must be made for mailing copies thereof to you, appellant's counsel, and the Clerk of the Court of Appeals at San Francisco.

It is therefore absolutely necessary for the government to produce an extension up to and including January 15, 1951, within which to file its brief in this cause. In view of the recitals above mentioned it is not believed that the Department's request in this regard is unreasonable.

It is requested that you seek a stipulation from appellant's counsel looking toward an extension of time up to and including January 15, 1951, within which the government's brief may be filed. If such a stipulation is forthcoming an order of court confirming said agreement should be promptly obtained.

If appellant's counsel refuse to acquiesce in the extension sought by the Department it is requested that you serve and file the enclosed motion for extension of time, expedite the hearing of the same, and make every effort to obtain such an extension from the Court of Appeals. Please advise the Department by wire as to the action taken on the Department's request for an extension of time up to and including January 15, 1951, within which to serve and file its brief in this proceeding.

Please rest assured that your cooperation in the premises is greatly appreciated by the Department.

Respectfully,

For the Attorney General,

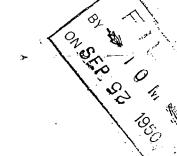
JAMES M. McINERNEY Assistant Attorney General

Enc. 40060

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146-28-1941

September 21, 1950



Frank J. Hennessy, Esquire United States Attorney San Francisco, California

Dear Mr. Hennessy:

Re: D'Aquino v. United States

Reference is made to the above-entitled treason prosecution presently pending in the Court of Appeals for your circuit.

The Department admostledges receipt of and thanks you for yours of the 13th instant addressed to Tom DeWolfe of this Division with which you enclosed three copies of appellant's brief filed in the Court of Appeals in the above-entitled cause.

Pursuant to your request the Government's brief will be prepared in the Department and submitted to you for your approval and any suggestions you desire to make concerning the context of the same.

Please keep the Department advised as to any and all material developments that ensus herein and rest assured that your cooperation in the premises is greatly appreciated.

Respectfully,

For the Attorney General

INSPTD AND MAILED COMMUNICATIONS SEC. SEP 22 1950 RH

JAMES M. McINERNEY Assistant Attorney General

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Mr. DeWolfe

JMM: TED:mp

146-28-1941

September 21, 1950

John 8. Hogan, Esquire,
Special Assistant to the Attorney General,
Antitrust Division,
United States Department of Justice,
Philadelphia 7, Pennsylvania.

Re: Iva Toguri D'Aquino v. United States

Dear Mr. Hogan:

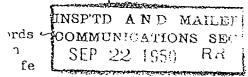
Reference is made to the above entitled treason prosecution presently pending on appeal in the United States Court of Appeals for the Ninth Circuit. You will find enclosed herewith a copy of the Department's letter under even date to the United States Attorney at San Francisco concerning a proposed motion to correct the record on appeal herein so that the trial transcript accurately reflects the testimony given by you as a government witness on direct examination. The enclosure is self-explanatory.

The Department would appreciate your views concerning the matters discussed in the Department's letter to Mr. Hennessy of even date, a copy of which letter is herewith being forwarded to you as above mentioned.

Please rest assured that your cooperation in this matter is greatly appreciated by the Department.

Respectfully,

For the Attorney General,



JAMES M. McINERNEY Assistant Attorney General JMM: TED:mp

146-28-1941

Con

re,

Frank J. Hennessy, Esquire, United States Attorney, 422 Post Office Building, San Francisco, California.

Re: Iva Toguri D'Aquino v. United States

Dear Mr. Hennessy:

Reference is made to the above entitled treason prosecution presently pending in the Court of Appeals for your Circuit. On pages 141 and 143 of Appellant's brief, Appellant contends that Justice Department attorney Hogan testified at the trial below that he "dared" Appellant to sign Exhibit 15.

Volume 8, page 611, of the trial transcript discloses the following question propounded by you and the responsive answer elicited by you from attorney Hogan, who was acting as a government witness in the government's case in chief:

Q: Then what happened?

A: I asked her if the statement was true and she said, "It is," and I then asked her if she would dare to sign it and she said she would. She then signed her name at the bottom of the page and I asked her if she would initial the other pages and she did.

It is the recollection of Messrs. Demolfe and Knapp that attorney Hogan testified in substance that he asked Appellant if she would "care" to sign the exhibit in question.

Records -Chron DeWolfe

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Abar.

It is requested that you contact the official court reporter for your District and request him to check his original shorthand or stenotype notes in an effort to ascertain whether the word "dare" in the transcript, as above mentioned, should not be changed to "care", so that the record can be made to conform to the truth.

If the official court reporter coincides with the views of Messrs. DeWolfe and Knapp in this regard, it is requested that you obtain a stipulation from Appellant's counsel changing the record to conform to the testimony as actually elicited.

If Appellant's counsel are unwilling to enter into a stipulation along the lines above suggested it is the view of the Department that a motion should be filed before Judge Rother under F. R. Crim. P. 38(c), 59(b); and F.R. Civ. P. 75(h), looking toward the settlement of the record by the trial court so that the same will conform to the truth.

The Department would especially appreciate your comments on the matters herein discussed. Please keep the Department advised as to all material developments that ensue herein, and rest assured that your cooperation herein is greatly appreciated.

Respectfully,

For the Attorney General.

JAMES M. McINERNEY Assistant Attorney General JEH : TED : Ih

146-28-1941

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August 23, 1950

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Frank J. Hennessy, Esquire United States Attorney 422 Post Office Building 7th and Mission Streets San Francisco 1, California

Dear Mr. Mennessy:

Re: Iva Toguri D'Aquino v. United States

Reference is made to the above entitled treason prosecution presently pending on appeal in the Court of Appeals for the Ninth Circuit. The Department admowledges receipt of and thanks you for yours of the 15th instant addressed to Tom Devolfe of this Division.

It is noted that a stipulation has been executed between the parties litigant hereto by and through their respective counsel of record extending the time up to and including September 7, 1950 within which appellant must serve and file her opening brief.

Please keep the Department advised as to all material developments that ensue herein and rest assured that your cooperation in this matter is greatly appreciated by the Department.

Respectfully,

For the Attorney General

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Mr. DeWolfe

JAMES M. MCINEMEY Assistant Attorney General

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146-28-1941

August 3, 1950

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Frank J. Homessy, Esquire United States Attorney San Francisco, California

Dear Mr. Hermessy:

Re: D'Aquino vs. United States

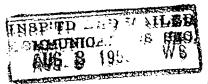
Reference is made to the above -entitled treason prosecution presently pending in the Court of Appeals for your circuit. The Department acknowledges receipt of and thanks you for yours of 13 July addressed to Tom DeWolfe of this Division. Ir. DeWolfe has been away from the Department on annual leave.

It is noted that a stipulation has been executed extending the time for appellant's opening brief up to and including 17 August 1950.

Please keep the Department advised as to all material developments that ensue herein and rest assured that your cooperation in this matter is greatly appreciated by the Department.

Respectfully,

For the Attorney General



JAMES K. MCINERNEY Assistant Attorney General

Records
Chron
Mr. DeWolfe

JAM:TED:1h

146-28-1941

Hay 4, 1950



Frank J. Hemmessy, Esquire United States Attorney San Francisco 1, California

Dear Mr. Hennessy:

Re: Iva Toguri D'Aquino v. United States

Reference is made to the above entitled treason prosecution presently pending on appeal in the Court of Appeals for the Ninth Circuit. The Department acknowledges receipt of and thanks you for your letter of April 25 with which you enclosed two sets of that portion of the Record on Appeal which has been printed.

Pursuant to your request the brief on behalf of the United States as appellee will be prepared here in the Department and submitted to you for your approval.

Please keep the Department advised as to all material developments that ensue herein and rest assured that your cooperation is greatly appreciated by the Department.

Respectfully,

For the Attorney General

JAMES M. MCINERNEY
Assistant Attorney General

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Mr. DeWolfe
Mr. Knapp

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JAMES M MCINERNEY ASST ATTY GENERAL DEPT OF JUSTICE WAR

RE IVA TOGURI D-AQUINO AGAINST UNITED STATES. WILL BE DELAWED SEATTLE ONE OR TWO DAYS DUE TO UNEXPECTED DEATH OF MY BROTHER ON SUNDAY. WILL ARRIVE IN WASHINGTON SUNDAY APRIL NINTH. CAN BE REACHED CARE UNITED STATES ATTORNEY UNTIL EVENING OF APRIL FIFTH.

TOM DE WOLFE SPECIAL ASST TO THE ATTY GENERAL

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DEPARTMENT JUIPTICE

APR 4 1950 A.M.

DIVISION OF REGIRDS

CRIMINAL DIV. - TRIAL SECTION

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146-28-1941

January 10, 1950

Every.

Frank J. Hennessy, Esquire, United States Attorney, San Francisco, California.

Dear Mr. Hennessy:

Re: Iva Ikuko Toguri D'Aquino, Court of Appeals, Ninth Circuit, No. 12383.

This is to acknowledge receipt of your letter of January 5, 1950, concerning the above captioned matter and to thank you for your attention to this matter.

It will be greatly appreciated if you will please keep us advised as to the developments with respect to the appeal in this case.

Respectfully,

For the Attorney General,

FRANCIS X. WALKER
Acting Assistant Attorney General

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JAN 10 1950 EC

FOR

M.H.

AMO: They: cd

146-28-1941

December 23, 1949

Frank J. Hennessy, Esquire United States Attorney United States Court House San Francisco, California

Dear Mr. Hemnessy:

Re: United States v. Iva Toguri D'Aquino

Reference is made to the above entitled treason prosecution presently pending on appeal in the Court of Appeals for your Circuit. You will find enclosed herewith two copies of a memorandum prepared in the Department in opposition to appellant's motion for release on bail. Her present motion for enlargement is pending before Circuit Justice Douglas.

AMED

The original and one copy of the enclosed memorandum have this day been filed with the clerk of the Supreme Court here who will transmit a copy of the Government's memorandum to Circuit Justice Douglas for his consideration.

It is requested that you immediately serve one copy of the enclosed memorandum on Wayne M. Collins. Esquire. Counsel for the appellant. Please acknowledge receipt of this letter and rest assured that your cooperation in this matter is greatly appreciated by the Department.

Respectfully.

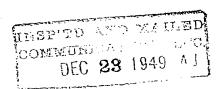
For the Attorney General

ALEXANDER M. CAMPBELL Assistant Attorney General

Enc1: No. 229163

cc:

Records
Miss Hamlin
Mr. R.S.Erdahl
" Knapp Dictator



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146-28-1941

December 19, 1949

200

Frank J. Hennessy, Esquire United States Attorney 422 Post Office Huilding 7th and Mission Streets San Francisco 1, California

Dear Mr. Hennessy:

Re: Iva Toguri D'Aquino v. United States



TED WAY

Reference is made to the above-entitled Federal criminal treason prosecution presently pending on appeal in the Court of Appeals for the Ninth Circuit. The Department acknowledges receipt of and thanks you for yours of the 12th instant with which you enclosed copies of appellant's petition for enlargement upon bail to be presented to the Circuit Justice for the Ninth Circuit together with copies of appellant's memorandum in support of said application. A short memorandum in opposition will be prepared by this Division and filed with the Clerk of the Supreme Court for transmitted to Circuit Justice Douglas. When said memorandum is filed by the Department a copy of the same will be forwarded to you for your information.

Please keep the Department advised as to all material developments that ensue herein. Your cooperation herein is greatly appreciated by the Department.

Respectfully,

For the Attorney General

Records
Chron
Mr. DeWolfe

ALEXANDER M. CAMPULATER
ABBISTANT Attorney Bassia AF

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AMO: TED: gok

146-28-1941

November 10, 1949



Frank J. Hennessy, Esq. United States Attorney San Francisco, California

Dear Kr. Hennessy:

Re: Iva Toguri D'Aquino v. United States

Reference is made to the above entitled Tederal criminal treason prosecution presently pending on appeal in the Court of Appeals for the Minth Circuit.

The Department acknowledges receipt of and thanks you for your telegram under recent date advising that appellant's motion for enlargement upon bail was denied by the Court of Appeals. You are to be congratulated on the successful disposition of this motion which you argued.

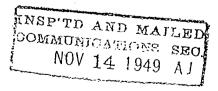
Please rest assured that your cooperation in this matter is greatly appreciated by the Department. Please keep the Department advised as to all material developments that ensue herein.

Respectfully.

For the Attorney General

ALEXANDER M. CAMPBELL Assistant Attorney General

cc: Records / Chrono
De Wolfe



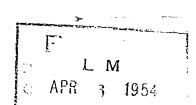
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AIR-MAIL and SPECIAL DELIVERY

September 8, 1949

Wm. E. Foley, Esq., Chief, Internal Security, Criminal Division, Department of Justice, Washington 25, D. C.



Dear Mr. Foley:

It is my understanding that I am needed as soon as possible in Washington, D.C., in connection with other cases now pending.

My plans, at present, are to stop at Los Angeles on my return to pick up some recordings from the Central Intelligence Agency at Reseda, California. These recordings are original Federal Communication Commission recordings relating to the Provoo case. In order to expedite my return by approximately four days, it is suggested that I go to Reseda this week-end and return to San Francisco. Then, as soon as I complete my duties here, I can return directly to Washington.

in in the part of the contract To accomplish this, it will be necessary to change my Government Travel Request. I now hold a return airline ticket, via Los Angeles, and a TR for excess baggage from San Francisco to Los Angeles and one for excess baggage from Los Angeles to Washington. It will be necessary to secure a TR for a round trip air-line ticket from San Francisco to Los Angeles and an excess baggage TR from San Francisco to Washington. If this meets with your approval, time will not permit your forwarding the necessary TR's from Washington for use this wesk-end. Therefore, it is suggested that you telegraph authority to Mr. DeWolfe to issue the necessary TR's from his book. The TR's I now hold would in turn be given to Mr. DeWelfe. For your information, the return trip air-line ticket to Washington now in my possession can be changed here without further TR's. 116-21-1111

sincerely,

Frank Green

AMOINERINHFILLE .

146-28-1941

September 13, 1949

AIR MAIL - SPECIAL DELIVERY

Mr. Frank I. Green % United States Attorney San Francisco, California

Dear Mr. Green:

RE: United States vs. Iva Toguri D'Aquino - Treason

In order to make the necessary round trip from San Francisco, California to Reseda, California (suburb of Los Angeles) as outlined in your letter to Mr. Foley dated September 5th, you are authorized to obtain sufficient Government Travel Requests from the United States Marshal in San Francisco for round trip transportation between these points traveling either by first class rail or by sirplane.

An amendment to your 25-B dated May 31, 1949 (copy enclosed) should be handled as follows:

When you submit a Standard Form 1034 to the United States Marshal there for reimbursement of traveling expenses please indicate on the voucher that "it was necessary to make the round trip between San Francisco and Reseda separate and aparting return trip to Washington, D. C. in order to return documents to San Francisco before returning to Washington, D. C."

This is in accordance with instructions from Mr. Matchett's office, Chief, Accounts Branch.

Sincerely yours,

For the Attorney General

ALEXANDER M. CAMPBELL Assistant Attorney General

Air Mail - Special Delivery

CC: Records

Chrono

Mr. Andretta

US Marshall, San Francisco

Internal Security Section

Franke

Enclosure

AMC: WEF: am

146-28-1941

August 29, 1949

AIR MAIL

E'd

Frank J. Hennessy, Esq. United States Attorney San Francisco 12. California

Dear Mr. Hennessy:

Re: United States v. Iva Toguri D'Aquino.

No.

This is in further reference to your letter, dated August 20, 1949, in which you request that the Special Findings in the case of <u>United States</u> v. <u>Hildred Gillars</u> be sent to you.

You have previously been advised that these Findings are not available. For your information I am enclosing a copy of the Special Findings in the case of United States v. Douglas Chandler.

Respectfully,

For the Attorney General

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and the constitution of the

ALEXANDER M. CAMPBELL Assistant Attorney General

Enclosure No. 33256

cc: Records / Chrono.
Mr. Foley

AIR MAI

AUG 29 1949 8E0

January 2, 1948

TVQ:WEF:DTJ

146-28-1941



(Typed December 29, 1947)

1. C. C.

Honorable Willis W. Bradley House of Representatives Washington, D. C.

My dear Mr. Congressman:

Further reference is made to your letter of December 16, 1947, in which you referred to a number of resolutions protesting the return to the United States of Iva Togurk who has frequently been referred to as "Tokyo Rose."

I am enclosing herewith copies of a release issued by this Department on December 3, 1947, relative to this matter which may be of assistance to you in replying to inquiries and resolutions concerning the so-called "Tokyo Rose."

Yours sincerely,

PEYTON FORD

Peyton Ford The Assistant to the Attorney General

Enclosure No. 495324

cc: Records - Chron.

Mr. Foly Miss Healy

Mr. Ford

N 3 1863

STATE TO THE

The Director, Federal Bureau of Investigation

Theren L. Caulle, Assistant Attorney General, Original Division Iva Ikuko Toguri, with aliases, Tokyo Ross, Orphan Aunie, Ann - Treason May 20, 1946 JPH: voic 146-28-1941

RECORRE

In considering the question of prosecution in this case, considerable weight is given to the amot scripts as broadcast by the subject. In order to be sure that all evailable evidence has been studied. I would appreciate it if you would review your file and advise whether or not it contains any scripts by Toguri which have not been furnished to this Division.

Chron.
Wr. Hogan

MAY 24 1946



TLC:DBA:lr

146-28-1941

January 31, 1946

AIR MAIL

Charles H. Carr, Esquire United States Attorney Los Angeles 12, California

Dear Mr. Carrs

Re: United States v. Iva Toguri Alias Tokyo Rose T Your File Number: 45-5132 PDH:GS

This will acknowledge receipt of your letter of January 25, 1946. On January 5, 1946, we sent you a copy of the indictment returned in the Esra Pound case. However, since you did not receive this, we are enclosing herewith another copy of the indictment.

Respectfully,

For the Attorney General

THERON L. CAUDLE, Assistant Attorney General

Engl. No. 95845

CC: Records

Chron.

Mr. Anderson

SIGNED AND SAGE STATES

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TLC: NTE: AK

146-28-1941

January 5, 1946

AIR MAIL

Charles H. Carr, Esq. United States Attorney Los Angeles 12, California

Dear Mr. Carri

United States v. Iva Toguri, alias, Tokyo Rose. No. 45-5132

Reference is made to your letter dated December 11, 1945, in the above case.

We are enclosing herewith a copy of the indictment for treason returned on November 26, 1945, against Ezra Pound.

Respectfully,

For the Attorney General

Enclosure No. 191266

THERON L. CAUDLE Assistant Attorney General

AIR WALL

CC: Records Chron. Mr. Elliff

TLC:SCE: lr

146-28-New

September 27, 1945

146-28-1941

AIR WAIL

Charles H. Carr, Esquire United States Attorney Los Angeles 12, California

Dear Mr. Carra

FILED
BY J
On OCT 3 1945

We have your letter of September 14, concerning the possible treason prosecution of Iva Toguri, who broadcast from Japan under the name of Tokyo Rose.

Since this subject previously lived in Los Angeles, it would seem that any treason case against her might well be instituted in your District. As you indicate, venue would be in the District in the United States into which she is "first brought".

We have been working on a number of similar cases in Europe and certain difficulties are found. For instance, it may be that this subject expatriated herself in some manner prior to her treasonable activities. This would, of course, proclude prosecution.

We are asking the Bureau to furnish you with any information available in this case and we shall also review the facts as they are obtained.

Respectfully,

For the Attorney General

THERON L. CAUDLE, Assistant Attorney General

cc: Records

Mr. Ely

Miss Healy

Mr. Elliff

SEP 26 1945

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Director, Pederal Bureau of Investigation

September 27, 1945

Theron L. Candle, Assistant Attorney General, Criminal Division

IVA TOGURY, alias Tokyo Rose TREASON NOW TO

Attorney Oskyradie Segre of the second

ey was seen a district of

TLC:8CE:1r

146-28-New

THE COLUMN TO You have, no doubt, noted the items in the public press relative to the above-named subject who broadcast over the Tokyo radio and who reportedly was born in los Angeles. THE WEST AND SHEET WAS A STREET OF THE STREE

We have received a communication from the United States Attorney for the Southern District of Galifornia with regard to the possible prosecution of this subject. It is desired, therefore, that you furnish his office and the Criminal Division any information you may have concerning her as soon as possible.

divisitely pours,

co: Records Mr. Ely. Mr. Elliff Miss Healy



WB: JMKoI:rh

146-28-New

JULO 18 MEAN GENERAL BEMOE

Official indicated balow by thesh mark It is requested that any information contained in the files of the Bureau concerning the publication Assistant Attorney General

人名西里 等。

101-

TLC:JBH: vng

146-28-194

October 17, 1946

James M. Carter, Esq. United States Attorney Los Angeles 12, California

Bear Mr. Carter:

Re: Iva Ikuko Togure, with alianes, Toyko Rose, Orphan Annie, Ann (Treason) Your Ref: EAT: LL 45-5132

This will acknowledge receipt of your letter of October 11, 1946, relative to the disposition of this case.

The Criminal Division has concurred in your view that prosecution should be declined. The Federal Bureau of Investigation and the War Department have been so advised, and we are closing our file.

Respectfully,

For the Attorney General

THERON L. GAUDLE, Assistant Attorney General

CC: Records √ Chron. Mr. Hogan

OOMMUNICATIONS SEC

M19

146-28-194

May 5, 1948

James M. Carter, Esq. United States Attorney Los Angeles 12, California

Dear Mr. Carter:

Iva Toguri D'Aquino, wa. Treason (Your ref: JMC:JM)

In reply to your letter of April 29; 1948, concerning the above case, this is to advise you that there has been no formal written report of Mr. Hogan's recent trip to Japan.

As you know, the venue for prosecution of this defendant will not be determined until she returns to the United States. For that reason, it occurs to me that it is unnecessary to burden you and your staff with the work of preparing this case for trial at this time.

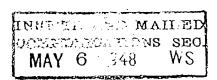
Respectfully,

For the Attorney General

T. VINCENT QUINN, Ascistant Attorney General

cc: Records! Chronl

Mr. Hogan



ADDRESS REPLY TO
"THE ATTORNEY GENERAL"
AND REFER TO
INITIALS AND NUMBER

AMC:WEF:MMcK

146-28-1941

UNITED STATES DEPARTMENT OF JUSTICE WASHINGTON 25, D. C.

September 30, 1948

VIA AIR MAIL

Tom DeWolfe, Esquire % United States Attorney 422 Post Office Building San Francisco, California

Dear Tom:

Re: Iva Ikuko Toguri

DEC 8 1953

Forwarded herewith for your information and reply is a memorandum from the Director of the Federal Bureau of Investigation, dated September 27, 1948, concerning subject individual.

Also forwarded for your information is a memorandum from the Bureau, dated September 23, 1948, together with enclosures, copies of which have probably been furnished to you by the San Francisco Field Office of the Bureau.

Respectfully,

For the Attorney General

ALEXANDER M. CAMPBELL

Assistant Attorney General

Enclosure No. 437222

FORVICTORY

3500

AMC: JBH: VNE

146-28-1941

air mail

September 7, 1948

Jemes M. Carter, Esq. United States Attorney Los Angeles 12, California

Dear Mr. Carter:

W.W.C

Re: Iva Toguri D'Aquino-Treason

It is requested that you forward to the Honorable Frank J. Hennessy, United States Attorney at Sen Francisco, all reports, memoranda, exhibits, et cetera pertaining to the above captioned case, for use in the contemplated presentation to the Grand Jury in the Horthern District of California.

Respectfully,

For the Attorney General

SEP.

cc: Records chron.
Mr. Hogan

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MATERIAN INTEREST

ALEXANDER M. CAMPBELL. Assistant Attorney General

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AMC: JBH: vng

146-28-1941 air mail

September 7, 1948

Q. J. S. D. C. S. D. S.

Frank J. Hennessy, Esq. United States Attorney San Francisco 1, California

Dear Mr. Hennessy:

Re: Iva Toguri D'Aquino-Treason

Enclosed herewith is a copy of a letter dispatched today to the Honorable James M. Carter, United States Attorney at Los Angeles.

It is requested that you receive these papers and make them available to representatives of the Criminal Division, who will shortly proceed to San Francisco.

Respectfully,

For the Attorney General

ALEXANDER M. CAMPBELL Assistant Attorney General

Enc.#495466

cc: Records

T MAII

chron. Mr. Hogan

SEP 8 1948
DIVISION OF RECORDS

ame.

131

Director, Federal Bureau of Investigation

May 4, 1949

Alexander M. Campbell, Assistant Attorney General

ALC: JBH: mmv

& E D

United States v. Iva Toguri D'Aquino

A'MA

The engineer who has been retained to assist in the prosecution of this case is presently engaged in technical preparation for the playing of recordings of defendant's broadcasts at the trial in San Francisco. To assist in those preparations, it is requested that a blue print of the courtroom in San Francisco, in which the trial of this case is to be held, be secured and forwarded to this office.

In view of the relatively short time remaining, it will be appreciated if you will give expeditious attention to this matter.

OM STA



Cc: Records Chrono
Hogan
Extra

COMMITTEE: FOSEIGN AFFAIRS

Congress of the United States
House of Representatives

Washington, D. C.

OFFICE OF THE RECEIVED HE FED 8-1943

EDWARD H. HAWS. JR

SECRETARY

February 5, 1948

Honorable Tom C. Clark Attorney General of the United States Washington, D. C.

Dear Attorney General:

I have received a communication and a resolution from a great number of my constituents, who are members of the Joseph Vasella Post No.277, American Legion, concerning Tokyo Rose, that she has made application to re-enter the United States, and that the application is now pending.

I would like to be advised relative to the status of Tokyo Rose and if appropriate action will be taken to disapprove her application.

Yours sincerely,

Franklin J. Maloney, M.C.

FJM: eh

Str. Lan

FEB 11 1948

ORIM.-INTERNAL SECURITY SEC.

146-28-1941

air mail

E. H.

Tom Demolfe, Esq.

Special Assistant to the Attorney General

G/b U. S. Attorney's Office

Dear Hr. Demolfe:

Re: United States v. Iva Toguri D'Aquino

This will acknowledge your letter of November 16, 1948, relative to the above case.

We concur in your conclusion that the defendant has not lost her Azerican citizenship by marriage to Philip D'Aquino.

The Section cited by the defendant; namely, 8 U.S.C. 717 (a), is not applicable because it relates to the regaining of citizenship already lost by marriage.

The Nationality Act of 1940 repealed and smended many previous statutes on the subject of nationality. Among those repealed was the Act of March 3, 1931, except Section 9. That section, which was not repealed, provides that an American citizen does not lose citizenship by marriage to an alien after March 3, 1931, in the absence of a formal declaration of renunciation before a court having jurisdiction over naturalisation. Therefore, we hold that this defendant is end has been, as alleged in the indictment, a citizen of the United States.

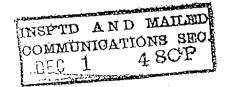
Respectfully,

AIR MAIL

For the Attorney General

cc: Records / chron.

ALEXANDER M. CAMPBELL. Assistant Attorney General



St.

Mr.

ADDRESS REPLY TO
"THE ATTORNEY GENERAL"
AND REFER TO
INITIALS AND NUMBER

DEPARTMENT OF JUSTICE

WASHINGTON, D. C.

AMC:WEF:lr

146-28-1941

November 15, 1948



AIR-MAIL

Thomas E. DeWolfe, Esq. c/o United States Attorney San Francisco 1, California

Dear Tom:

I have your letter of November 8, 1948, enclosing a copy of a letter from Frank X. Green and your reply to him of November 8.

Miss Dorothy Fillius has now returned to the Department but has been given other assignments. Mr. Hogan is, however, available for any matters which may arise in Washington concerning the Toguri and Ince cases and I suggest that you use him as your local liaison for these cases.

Respectfully,

FILED RR on DEC 8 1953

For the Attorney General

ALEXANDER M. CAMPBELL Assistant Attorney General

A Child

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J 6000

AMC:JBH:

Hovember 17, 1948

146-28-1941

R. W

air mail

A CASIA

Tom Dewolfe, Esq.
Special Assistant to the Attorney General
o/o United States Attorney's Office
San Francisco 1, California

Dear Mr. DeMolfe:

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

I am forwarding herewith for inclusion in your file, twelve photographs of Bunka Prison Camp and Radio Tokyo.

Respectfully,

For the Attorney General

ALEXANDER M. CAMPBELL, Assistant Attorney General

Enc.#312703

cc: Records chron.
Mr. Hogan

COMMUNICATIONS SECTION 17 1948 JGL

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