BEFORE THE STATE PERSONNEL BOARD OF THE

STATE OF CALIFORNIA

In the Matter of Charges Against

Charges, Information of Time and Manner of Answer

Case No. 247

Defendant.

Comes now E. Vayne Miller, the duly and regularly appointed and acting Secretary for the State Personnel Board of the State of California, and files charges against the defendant, _____, pursuant to order of the State Personnel Board made at a meeting of the State Personnel Board held April 2, 1942, in the City of Los Angeles, State of California, for dismissal or other punitive action for failure of good behavior, fraud in securing appointment, incompetency, inefficiency, and acts incompatible with and inimical to the public service and violation of the provisions of the State Civil Service Act, and alleges:

I.

That at all times herein mentioned the said defendant was and now is an employee of the State of California, and did hold and occupy the position of Junior Typist Clerk, and is assigned to the Department of Social Welfare with permanent civil service status in that position.

II.

That particular and specific instances of many acts and specific examples of acts showing a course of conduct on the part of defendant constituting failure of good behavior, fraud in securing appointment, incompetency, inefficiency, violations of the provisions of this Act, or the Rules of the Board, and acts incompatible with or inimical to the public service, and violation of the provisions of the State Civil Service Act, are as follows:

A.

That during the time afore-mentioned the defendant was a citizen of the Empire of Japan, and a subject of the Emporer of Japan.

B.

That the defendant does read and write the Japanese

language, and that the defendant and/or defendant's family, during the time afore-mentioned have subscribed to a Japanese newspaper, printed in the Japanese language and that defendant has read said newspaper, and that during defendant's tenure as a State employee of California has been exposed to the propaganda printed and disseminated by said Japanese newspapers, which propaganda has been detrimental and inimical to the United States, State of California, public service, and the Civil Service of California, and that defendant has been influenced by the insidious, inimical and incompatible propaganda and doctrines advocated by said Japanese newspapers, which constitutes the ideology of the Rulers and Emperors of Japan who are now viciously and ruthlessly attempting to impose that ideology and sociological doctrine upon the people of the United States of America by force and violence, and that the reading of said propaganda has been an act inimical to civil service.

C.

That during the time afore-mentioned and while an employee of the State of California, the defendant did attend a Japanese school conducted by the officials of the Buddhist Church, an organization controlled by the Rulers and Emperor of Japan, and that in said school the defendant was taught to read and speak the Japanese language, thereby enabling the subversive and fifth column agents of the Empire of Japan, by direction and indirection, to obtain valuable information for transmittal to the Empire of Japan for use to conquer the United States and that the doctrines taught defendant in said Japanese school have served to strengthen the ties between defendant and the country of defendant's ancestry, Japan, and that the teachings of said school were in conflict with the political and social doctrines of the United States, which did adversely influence the loyalty and fidelity of defendant to the United States of America;

D.

That the defendant is a member and officer of certain Japanese organizations whose membership consists entirely of persons of Japanese ancestry, and which are controlled and which advocate the same deceitful and treacherous influences which have been afore-alleged in subdivisions B and C of this Paragraph, and which seek to attain their secretive objectives against the United States of America by a unified system which is more craftily directed than that which exists in Japanese schools, and all of

which is violently opposed to the Democratic form of Government of the United States of America and to its principles.

E

That defendant is a person of Japanese ancestry and descendant of enemy Japanese aliens and at all times has been under the influence thereof; and that in the course of the performance of defendant's duties as an employee of the State of California, defendant must of necessity come into direct contact during business hours with employees and people of the State of California who are not of Japanese ancestry. That a state of war does exist between the United States of America and the Empire of Japan and that since the unwarranted attack by the Empire of Japan upon Pearl Harbor on December 7, 1941, that all loyal employees of the State of California, and people of the State of California, have become justifiably suspicious and distrustful of the defendant and of persons of Japanese ancestry and do resent contact, association, and have antipathy for defendant and persons of Japanese extraction, whether the same be in the scope of State employment of defendant, or otherwise, and that this situation has seriously impaired the morale of those employees and people of the State of California who have and will be associated with defendant in State employment, and has mutually impaired their morale, reduced their efficiency, lowered their performance of public service, created discord, hostility, unfriendliness, opposition, antagonism, disharmony, truculency, and made it impossible for said employees and people of the State of California to associate tranquilly and that the acts of defendant as afore-alleged and as an employee, of Japanese ancestry, of the State of California in the State service have become acts incompatible with and inimical to the public service and do now and in the future will interfere with the orderly, proper and efficient conduct of the State's business and have and will destroy the efficacy of the provisions of the State Civil Service Act.

F.

That the defendant did file an application for employment with the State Personnel Board wherein defendant did apply for employment with the State of California and did request to take a civil service examination and that in said application

the State of California, acting by and through the State Personnel Board, did request that defendant furnish information and list the names of all schools that defendant had attended, and that defendant did fill out said application for employment and did not in said application or otherwise indicate that she had attended Japanese schools wherein she did receive instruction on how to read and write the Japanese language and instruction on the history and political doctrines of the Empire of Japan, and that defendant did deliberately and without cause withhold said information from the said State Personnel Board, which is an act in violation of the State Civil Service Act, and did constitute fraud in securing appointment.

G.

Because of the increasing danger attendant upon the ruthless prosecution by the Japanese Government of its evil intentions designed to crush the democratic peoples of the world, public opinion has brought about a change in the social status of the defendant, and other persons in the United States, particularly in the State of California, of Japanese ancestry, and because of the urgent necessity of protecting ourselves against attack by the enemy, which attack may be facilitated by the children of the enemy within our borders, the military authorities of the United States of America have created numerous restricted areas and prohibited zones within various States on the Pacific Coast, notably the State of California. The order increasing and extending such restricted areas and prohibited zones provides in effect that such persons or classes of persons as the situation may require will by subsequent proclamation be excluded, and the defendant is now subject to the provisions of that order. The change in social status plus the military restrictions which are ever increasing in their scope and severity are concurrent circumstances which render the defendant incapable of, and indisposed to, effectively perform necessary duties as an employee of the State of California, totally unsuitable for relief duty which would be required in other parts of the State to prevent a breakdown of the provisions of the State Civil Service Act, unfit to cope with war exigencies, and completely out of accord with demands which would be made upon defendant in times of grave crises precipitated by the

aggressive military, naval, and air forces of the defendant's own people, and unable, due to these circumstances, to have full and free unrestricted access to all of the territory within the exterior boundaries of the State of California, and which will preclude defendant from fully, adequately, competently, and efficiently performing necessary duties as a civil servant in California, and in violation of the provisions of the State Civil Service Act, which acts of defendant were and are incompatible with and inimical to the public service.

WHEREFORE said E. Vayne Miller as the duly and regularly appointed and acting Secretary for the State Personnel Board of the State of California, prays that the said defendant be dismissed from the State of California as a civil service employee of said State, or that such other punitive action be taken as may be meet and proper in the premises.

AND AS AND FOR THE PURPOSE OF INFORMING THE SAID DEFENDANT OF THE TIME AND MANNER IN WHICH, UNDER THE RULES AND REGULATIONS OF THE STATE PERSONNEL BOARD AND THE STATE CIVIL SERVICE ACT, DEFENDANT MAY ANSWER TO THE CHARGES HEREINABOVE SET FORTH AND ASK FOR A HEARING THEREON, THE SAID E. VAYNE MILLER GIVES TO THE SAID DEFENDANT THE FOLLOWING NOTICE:

YOU, THE SAID [redacted] ARE HEREBY NOTIFIED that Section 1 of Rule Nineteen of the Rules and Regulations of the State Personnel Board provides as follows:

> "Time to answer charges. Within ten days after service upon the employee of the charges referred to in section 173(a) of the State Civil Service Act, the employee must file his answer to or explanation of the charges."

YOU ARE FURTHER NOTIFIED that section 173 of the State Civil Service Act provides, in part, as follows:

> " *** The employee may within ten days after service file with the board a written answer to or explanation of the charges, and request a hearing, and a copy of such answer, or explanation, and request shall at once be mailed by the board to the appointing power or other person who has made the charges. ********** Failure on the part of the employee to request a hearing and to give such written answer or explanation to the board within ten days of the service upon him of the charges, or to appear at the hearing, shall be deemed an admission of the truth of such charges without further hearing upon the part of the board

unless further time should be granted by the board.**"

You are hereby referred to Statutes of California, 1937, Chapter 753, as amended, for a full text of the State Civil Service Act.

Dated April 13, 1942.

E Vayne Miller
Secretary, State Personnel Board
of the State of California.