



Japanese-American sisters on trial for treason" news file photo

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JAPANESE-AMERICAN SISTERS ON TRIAL FOR TREASON

DENVER, Col. -- The death penalty may be imposed upon these three California-born Japanese sisters if they are convicted of treason in thier current trial here. The three, Mrs. Billie Shitara Tanigoshi (walking), Mrs. Florence Shivze Otani (upper left), and Mrs Turo "Toots" Wallace (below) are charged with having aided two German prisoners of war, Corporals Heinrich Haider and Herman August Loescher to escape from a Trinidad, Col., internment camp last October. The Germans are witnesses in the current trial.

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‘Little Benedict Arnolds in Skirts’: Japanese American Women and Treason in World War II Colorado¹

**By
Robert Koehler**

On February 16, 1960, fifty-year-old Tsuruko Endo Wallace met a special agent of the Federal Bureau of Investigation at her Long Beach, California, home. The agent came to request Mrs. Wallace pay a \$1,000 fine assessed against her in 1944.² Mrs. Wallace, nicknamed “Toots,” along with her sisters Billie and Florence or “Flo” (the Shitara sisters), were found guilty of aiding two German prisoners of war in escaping from the Trinidad, Colorado, prisoner of war camp in 1943. Billie and Flo received twenty-month federal prison sentences and \$1,000 fines while Tsuruko, the supposed ringleader, received a two-year sentence and the \$1,000 fine.³ Tsuruko served eighteen-months in the Federal Reformatory for Women at Alderson, West Virginia.⁴ The agent described Tsuruko expressing “considerable surprise and ill feelings that the government should come to her after what she termed to be such a great length of time.”⁵ Tsuruko promptly paid the fine.⁶ The Shitara sisters’ arrest and trial for treason, and conviction for conspiracy to commit treason, was the first, and only, treason trial in Colorado during World War II and only the third treason trial in the nation during the war.⁷ The Shitara story is a history of allegiances among individuals, groups of people, and the American nation surfacing in an atmosphere of cultural conflict. These loyalty conflicts permeate Southeastern Colorado history and explain social relations in the region. The government, media, and American public labeled the Shitaras, and other nonwhite people of Southeastern Colorado, disloyal, based on

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their race and ignored their loyalty to the United States.

Allegiance is loyalty, or the obligation of loyalty, given by individuals and groups of people to a nation, sovereign, or cause. Allegiance is also a tie that binds individuals and groups of people to a government, in return for the protection and benefits that government provides them. Loyalty, the basis of allegiance, is the “willing and practical and thorough-going devotion of a person to a cause,”⁸ nation, or sovereign. Loyalty manifests itself in action and has an intense emotional tone.⁹ Loyalty is both internal, or personal, and external, or socially acted upon, and noticeable to individuals in their thoughts and observable to others in their outward actions.¹⁰ Loyalty is “among the noblest of virtues... and disloyalty the basest of crimes.”¹¹ When loyalty becomes action, it transforms into allegiance. Harnessed loyalty fosters an allegiance that is a more intense and purposefully acted upon bond than loyalty. Individuals often give their loyalty freely and receive rewards, such as physical protection, in return. Loyalties with reward are “expressed as constructive, adaptable, positive acts of support.”¹² When loyalties occur through coercion, they involve punishing processes such as the loss of autonomy in an individual’s choices and selection of actions. They are restricted in their actions by the limits placed on them by those whom they have given their loyalty. Loyalties with punishing aspects are rigid, involve defensive behavior, and can change to disloyalty more rapidly than loyalties with rewards.¹³ When disloyalty becomes action, allegiances shift among competing individuals, peoples, and nations. Political scientist Martin Grodzins claims that society “rests upon loyalties: upon attitudes and actions directed at supporting groups, ideas, and institutions...Loyalties are a part of every individual’s life” and organize the individual’s existence.¹⁴

According to Grodzins, loyalty to the American nation during World War II had four possible meanings, or disloyalties, specific to Japanese Americans. First, loyalty to the United States required that Japanese Americans relinquish their demand for equal status in American society. To do so, Grodzins argues that Japanese Americans had to express disloyalty to their demand for equal status and citizenship in U.S. society. Japanese Americans had to accept secondary citizenship without complaint. Second, Japanese American loyalty to the United

States required disloyalty to family. Japanese Americans had to express loyalty to the U.S. that might be in stark contrast to their parents' loyalty to Japan or, more often, loyalty to Japanese culture. Third, Japanese American loyalty to the U.S. required disloyalty to relocation center life. Japanese American loyalty to the U. S. required their not accepting policies of relocation, such as Americanization programs that labeled them "enemy aliens." In other words, Japanese American loyalty to the U.S. required disavowing the very labels the government and public placed upon them. By giving their allegiance to the U.S., through joining the military and working on farms and in factories to aid the war effort, Japanese Americans were disloyal to the relocation centers that sought to label them disloyal. Relocation centers' ideological focus was on restricting individuals labeled disloyal from participating in American society outside the centers. When Japanese Americans left the relocation centers to join the military or to work in factories and on farms, they were rejecting the notion of their being disloyal to the U.S. and rejecting the War Relocation Authority's (WRA) labeling of them as disloyal.

Finally, Japanese American loyalty to the U.S. required disloyalty to Japanese culture. Japanese Americans had to wholeheartedly embrace American culture and shun anything related to Japanese culture.¹⁵ Americans expected people of Japanese ancestry to become Christian, dress as "Americans," eat American-style food, speak only English, and to embrace American culture without complaint. Japanese Americans who identified with Japanese culture, such as speaking Japanese and practicing Buddhism, were supposed to turn their backs on Japanese culture and fully assimilate into American culture. However, assimilation was impossible because the American government, public, and media focused on Japanese Americans as Japanese. Not only race, but also nationality, was central to World War II discourse on Japanese Americans in American society. Grodzins' concept of loyalty and corresponding disloyalty, except for disloyalty to relocation center life, is applicable to other nonwhite people of Southeastern Colorado. They gave their loyalty to the U.S. but found they had to be disloyal to their demand for equal treatment and citizenship in American society, disloyal to their families' and people, and disloyal to their people's cultural

heritage. Historical analysis of Southeastern Colorado has neglected examining the dramas of allegiances, or loyalty and disloyalty, played out in periods of intense cultural conflict in the region.

The Shitara story dispels the belief that Southeastern Colorado is devoid of history and opens a door to understanding the region's rich history of cultural conflict in which themes of personal, group, and national allegiance are deeply intertwined and recurring. These themes are not new undercurrents in Southeastern Colorado history, or national history, but part of the essential fabric of those histories. History is composed of stories of allegiances made and broken among nations, peoples, and individuals. History is the tale of how and why nations, peoples, and individuals gave their loyalty, or were disloyal, to other nations, peoples, and individuals. The stories of allegiances made and allegiances broken is the story of American history, of Southeastern Colorado history, and of the Shitara sisters. The Shitara sisters' story is one of many buried and forgotten allegiance stories of Southeastern Colorado and the history of that region must undergo exhumation.

Allegiance stories developed in a region of once thriving small towns and parched farmlands of the dry, barren, wind-swept plains of Southeastern Colorado that now have bleak neighborhoods thinly dotted with abandoned homes and farmhouses. These skeletons loom over the landscape like ghosts of once prosperous days. The population declined dramatically over the past fifty years, so many towns no longer operate gas stations, restaurants, or grocery stores. Tourists quickly drive through towns, once "gas station communities" where motorists stopped to fill their cars' thirsty gas tanks and purchase snacks, on their way to more populated destinations. Tourist attractions with histories elaborately portrayed in television and film, such as the gunslinger streets of Dodge City, Kansas, and its infamous Boot Hill, lure them away from the bleak dusty streets of Southeastern Colorado.

The barren plains are returning Southeastern Colorado to frontier status in number of people and appearance of the landscape. Houses and farms give way to a returning desolateness in which weeds and sagebrush copiously sprout in the once well-ploughed and irrigated fields and in the expanding cracks of the deserted sidewalks and abandoned driveways. Abandoned houses, once occupied by families, dreams,

and history now haunt the landscape and pose a fire hazard to the dry desolate farmland. Empty houses await burial by farmers who dig large pits, bulldoze the houses, and bury the remains. Both memories and histories decompose, forgotten in shallow graves. Residents claim they are battling a malaise over the plains that lure sons and daughters to the bright lights of Denver and Colorado Springs.¹⁶ As Southeastern Colorado returns to frontier status, the question of the region's history crops up. The empty spaces tell a story that has been bulldozed into a grave and forgotten. It is time to exhume, examine, and study that story to understand why America decided to bury the story and to understand the social atmosphere that led to the burial of these allegiance stories.

The Shitara sisters' story continues the recurring tale of allegiances made and broken in Southeastern Colorado. The dry barren plains of Southeastern Colorado overflow with a history of allegiances formed and shattered in a climate of cultural conflict. Southeastern Colorado's Bent's Fort, built in the 1830s by the Bent brothers, created, and was a creation of, allegiances among individuals with Mexico, Mexican people, Indian tribes, governments, and with individuals from these groups. The reprehensible 1864 Sand Creek massacre of more than 150 innocent Cheyenne, Arapaho, white, and mixed-race men, women, and children was the result of allegiances made and broken among the Cheyenne and Arapaho, individual Indians, the U.S. government, and white individuals representing the government. These currents of allegiances and cultural conflict in Southeastern Colorado and American history resurface in the story of the Shitara sisters' 1944 Denver treason trial for aiding two German prisoners-of-war in escaping from the Trinidad, Colorado Prisoner of War camp.

The Shitara sisters' arrest and trial placed into question their allegiance to the United States, the American people, Japanese Americans, and the German soldiers they purportedly aided. Media coverage of the trial emphasized allegiances made and broken not only by the sisters, but also by the German POWs. Obscured by the sensationalized media coverage of allegiances made and broken lay the forgotten Federal Bureau of Investigation files. An exhumation of these long neglected files shows the FBI was obsessed not only with the allegiances of the Shitara sisters and the German POWs, but obsessed with the allegiances

of the police officers who arrested the POWs and of the reporters and one of the Denver newspapers, the *Rocky Mountain News*, that covered the trial. Nearly all actors in this drama of allegiances had their loyalty to the U.S., the FBI, and the American people questioned. The Shitara drama of allegiances took place on a stage of cultural conflict involving issues of race, nationality, and gender. The sisters' allegiances were particularly suspect in the eyes of the FBI, the newspapers, and the American public because of their ancestry. The Shitara's Japanese ancestry alone was proof to the nation, as it was for all Japanese Americans, of their being Japanese, and therefore disloyal enemy aliens. This illustrates the complexity of allegiances. Japanese Americans were overwhelmingly U.S. citizens who gave their allegiance to the U.S., while at the same time, America saw them as the enemy. Japanese Americans could not prove their allegiance to the U.S. no matter how many Japanese American soldiers died in the war effort or how many worked in factories and on farms supporting the war effort and living under more severe restrictions than non-Japanese Americans.

The Shitara sisters' gender was another factor in the questioning of their allegiances. The newspapers and prosecutor argued the women were disloyal to their husbands and engaged in sex, hence adultery, with German prisoners of war, though there is no proof that any sex took place. They were disloyal women because they had engaged in sexual affairs with enemies of the American people. The sisters were traitors to the nation and to their husbands. Furthermore, the newspapers and prosecutor claimed the women were weak in resisting the German POWs' wooing. The sisters' race, nationality, and gender were central in their conviction for conspiracy to commit treason.

The Shitara sisters' story began at the Granada Relocation Center for Japanese American internment during World War II. The Granada Center, known as Camp Amache, was located on the southern fringes of the small town of Granada, Colorado. The Center was a few miles south of the Arkansas River, the border between Mexico and the U.S. until the end of the Mexican-American War with the 1848 Treaty of Guadalupe Hidalgo.¹⁷ Therefore, the Center was located in what was once Mexico and claimed by the Republic of Texas (1836-1845). Rebellious Texans reneged on their allegiance to Mexico and won independence in 1836

only to join the expanding U.S.A. in 1845.¹⁸ Texans' allegiance shifted from Mexico, to the Republic of Texas, to the U.S.A., emphasizing the need for allegiances to be malleable during cultural conflict.

The region had a rich history of cultural conflict and of allegiances made and broken long before World War II and the Shitara sisters' story began. Approximately seventy-five miles west of Amache is Bent's Fort, built in either 1834 or 1836.¹⁹ At the fort, American, Mexican, and Indian peoples and cultures mixed.²⁰ The fort was the brainchild of Charles and William Bent and Cerain St. Vrain, who became partners in the lucrative Santa Fe merchant trade, and formed the Bent & St. Vrain Company.²¹ Charles Bent married a Mexican woman²² and William married the Cheyenne Owl Woman.²³ Charles Bent's marriage created lucrative allegiances with Mexican trading partners and Mexico while William's marriage formed allegiances with Indian trading partners and peoples. Cerain St. Vrain, who became a Mexican citizen, and Charles Bent, who declined Mexican citizenship, became major Southwest landowners through their loyalties to, and alliance with, Manuel Armijo, Mexico's Governor of the New Mexico territory. Armijo aided Charles Bent and Cerain St. Vrain in accumulating the rights to one-sixth of two land grants totaling over seven million acres.²⁴ Years later, Cerain's brother Marcellin, and William Bent's half Cheyenne sons Robert and George, would join the renamed Bent, St. Vrain & Company.²⁵ The St. Vrains were French noblemen driven from France by the revolution and as punishment for their allegiance to the King.²⁶ The fort became a major Indian trading post and merchant route between Mexico and what was then the western U.S. Bent's Fort served as a staging ground for Colonel Stephen Watts Kearney's Army of the West during the Mexican American War.²⁷ The creation of diverse allegiances aided the Bents in negotiating the cultural conflicts of Southeastern Colorado. Although we cannot know for sure, it seems the Bents and St. Vrain allowed the U.S. military to use the fort during the war against Mexico to show their allegiance to the U.S.

Themes of allegiance bind the Bents and Shitara sisters together. Both the Bents and Shitaras lived in Southeastern Colorado during periods when the region was culturally and racially diverse. The Bents encountered conflict among, and between, whites, the varied Indian

populations, Mexicans, and in their relationships with these groups and the U.S. government. The Shitaras encountered conflicts between white Americans and Japanese Americans and the manner in which the government, American public, and media responded to conflicts, such as the government's World War II internment policies for Japanese Americans and the media's stereotyping of Japanese Americans as enemy aliens. The Bents and Shitaras formed loyalties and allegiances in difficult political and social climates in which their actions and allegiances were continually under question because of their race or the race of those to whom they gave their allegiance. The government labeled the Bents and Shitaras disloyal when labeling individuals and groups of people the Bents and Shitaras gave their allegiance to "disloyal." The Bents were disloyal to the U.S. because they befriended enemies of the nation, Indians and Mexicans. The Shitaras were disloyal because they befriended enemies of the nation, German prisoners of war, and disloyal due to their Japanese ancestry. At the same time, the Bents and Shitaras could never prove their allegiance to the U.S. The Bents and Shitaras could continually expend their energy claiming allegiance to the U.S. but no matter how strong the authenticity of their claims, the government and nation would not accept that authenticity or their claims of loyalty as valid. The Bent's Indian and Mexican wives and mixed-blood children were visible symbols of their disloyalty to the nation as was the Shitaras' race a visible symbol of their disloyalty.

However, there are more stories of allegiance in Southeastern Colorado that resonate with the Shitara story. For example, approximately 45 miles northwest of Granada is the Sand Creek Massacre site. The massacre was one of the most brutal events in American history.²⁸ In 1864, while Union General William Tecumseh Sherman was marching to Atlanta in a bloody war of allegiances between North and South,²⁹ Colonel Chivington, a Methodist Episcopal preacher,³⁰ and the First Colorado U.S. Volunteer Cavalry were brutally slaying more than one hundred and fifty Cheyenne and Arapaho, mixed blood, and white men, women, and children in a surprise attack near Big Sandy Creek.³¹ Colonel Chivington believed the attack would demonstrate his allegiance to the Union, elevate him to Brigadier General, and serve as a "stepping stone for a seat in Congress."³² Chivington expected

rewards for demonstrating his allegiance to the Union. Nevertheless, the massacre so outraged the nation that two congressional investigations and a military commission hearing were held resulting in the disgrace of “Colorado’s greatest military hero (Chivington) in the eyes of the nation, and unseated its governor.”³³ Reports to high-ranking military officers by Captains Silas S. Soule and Joseph A. Cramer, who disavowed their allegiance to commanding officer Chivington and refused to fire their weapons during the massacre, led to the investigations.³⁴ Soule and Cramer protested the attack on “peaceful Indians” before the massacre and Chivington threatened Soule with hanging for refusing to fire during the massacre,³⁵ while Chivington saw Soule as “an enemy and a threat.”³⁶ Cramer charged that Chivington “should be hung” for the massacre.³⁷ Because of his testimony against Chivington at the military commission hearing, Soule was shortly thereafter gunned down in Denver where he was the Provost Marshal.³⁸ Lieutenant James D. Cannon captured one of Soule’s assassins, Charles A. Savier, who later escaped. After the escape, an unknown individual poisoned Cannon, who died in his hotel room.³⁹ Though we cannot know for certain, it seems Soule’s death was punishment for his disloyalty to Chivington and loyalty to the U.S.

Echoes from themes of allegiance at the Sand Creek massacre resonate in the Shitara sisters’ story. During the massacre, Southern Cheyenne Chief Black Kettle, who attempted for years to maintain peace between his people and whites, raised a U.S. flag on the longest lodge pole in the camp in a failed attempt to end the massacre. The flag is reminiscent of the U.S. flag that flew over Camp Amache, the Japanese American internment center in Southeastern Colorado. Injustices of internment and massacre took place under both flags. Indian Commissioner A.B. Greenwood had given the flag to Black Kettle telling Black Kettle that no harm would ever come to him or his people as long as the flag flew over his camp and the flag would be “respected as a symbol of peace.” Black Kettle attached a smaller white flag beneath Old Glory. He waved the flags back and forth and encouraged his people to join him under the flags telling them to not “be afraid, that the soldiers would not hurt them.”⁴⁰ Chivington’s Volunteers continued to fire on the helpless Cheyenne, Arapaho, mixed-bloods, and whites while Captains Soule and Cramer watched in horror. Black Kettle survived, as did his son-

in-law George Bent (son of William Bent), only to die at the Washita River in November 1868, at the hands of General George Armstrong Custer's 7th Cavalry.⁴¹ George Bent was so beloved by Black Kettle that Black Kettle gave his allegiance to George and took "him into his lodge to guide him as he would his own son."⁴² Three of William Bent's mixed-blood children, staying with their mother's friends and relatives at the camp during the time of the massacre, survived.⁴³ Black Kettle's attempt to show his people's allegiance to the U.S. was in vain, as was the Shitara sisters' attempts to show their allegiance eighty years later.

Many years before the Sand Creek massacre, Cheyenne subchief One-Eye (known as Och-I-Nee and as Lone Bear) saved the life of William Bent when he had a serious throat infection. Bent came to trust One-Eye to such an extent that One-Eye was the only person allowed to treat the Bent family's illnesses. One-Eye even treated the illnesses of George Bent when he was a child.⁴⁴ Loyalties between the men became allegiances through acts of devotion to each other. William gave his allegiance to One-Eye because One-Eye had saved him and his son. These actions demonstrated One-Eye's dedication to the Bents and William reciprocated by putting into action his loyalty to One-Eye and the Cheyenne. William attempted to talk Chivington out of war with the Cheyenne. "For the sake of his mixed-blood children and the Cheyenne people" he tried to convince Chivington that "the war the army now waged against the Cheyennes was wrong and must be stopped." Chivington ignored William's pleas and "voiced his opposition to racial mixing and said that Bent was nothing but a lowly 'squawman.'"⁴⁵ One-Eye turned traitor to his people and to William when he gave his allegiance to the U.S. Army. He agreed to be a spy for the U.S. military for "\$125.00 and a month of rations."⁴⁶ One-Eye was a "trusted member of the Council of Forty" and reported to the U.S. soldiers on warrior movements. One-Eye made his decision to change allegiances during a stressful period of cultural conflict.

One-Eye found himself in a difficult social and political climate in which Indians sought varied strategies for their survival and that of their people. We do not know the reason why One-Eye betrayed his people, but we can surmise a possible explanation. One-Eye may have given his allegiance to the U.S. because he believed war would only

lead to Indian defeat and further suffering. One-Eye may have chosen cooperation with the U.S. Army to save his life and the lives of others. He had a difficult decision to make and whether he gave his allegiance to his people or to the U.S., the result was the same. Chivington's soldiers rewarded One-Eye for his allegiance by killing him at Sand Creek.⁴⁷ Significantly, One-Eye was the father of Ameo'ne (Walking Woman) who married John Prowers in 1861 and took the Indian name Ameo'ne Amache and the English name Amy Prowers. John Prowers became the first Commissioner of Bent County and a Territorial and State legislator. Present-day Prowers County includes Granada and Camp Amache, where the Shitara sisters' story began.

These stories of allegiance and cultural conflict, oft-buried houses in the empty spaces of Southeastern Colorado history, do not end with the Sand Creek massacre in 1864. Stories of allegiance continue into the twentieth-century with the World War II Denver treason trial of the three Japanese American sisters, the Shitaras. Their story has remained buried except for one paragraph in historian Arnold Krammer's *Nazi Prisoners of War in America*⁴⁸ and a brief mention of Japanese women and treason in Ann Howard Creel's *The Magic of Ordinary Days*,⁴⁹ a fictional recount of life in World War II Southeastern Colorado. This story is an archaeological dig that uncovers a story, a house, buried deep within Southeastern Colorado's forgotten history.

After the December 7, 1941, Japanese attack on Pearl Harbor, the U.S. government, public, and media feared that Americans of Japanese ancestry might be potential saboteurs and disloyal to the U.S.⁵⁰ These fears led to public and congressional calls for the government to enact a program to limit the movement of Americans of Japanese ancestry. Because of these growing concerns, President Franklin Roosevelt signed Executive Order 9066 on February 19, 1942, authorizing Army Lieutenant General John L. DeWitt to establish restricted military areas and to remove people from their homes in those areas.⁵¹ Upon issuance of Executive Order 9066, the already heightened concern over the "enemy alien problem" in the nation increased.⁵² On March 18, 1942, Roosevelt signed Executive Order 9102, creating the War Relocation Authority (WRA) to implement evacuation, forced removal of Japanese Americans from restricted areas. Executive Order 9102 resulted in the

military removing all individuals of Japanese ancestry from the West Coast.⁵³ Japanese Americans had to abandon their homes and businesses and the army shipped them by heavily guarded trains to assembly centers. The best known assembly center was at the Santa Anita horse track where Japanese Americans lived in horse stalls converted for human dwelling.⁵⁴ A few months later, Japanese Americans were shipped by train to one of ten relocation centers. Trains to Granada took three days and Japanese Americans generally could not leave the trains at any time. Armed military guards rode on top of each train car and guards surrounded train depots at each stop.⁵⁵ The manner in which the military implemented the Executive Orders illustrates the army's belief that Japanese Americans were disloyal. Neither Executive Order 9066 nor Executive Order 9102 made any mention of race or ethnicity.⁵⁶

In June 1943, Lieutenant General DeWitt claimed Japanese American "loyalties were unknown" and "the continued presence of a large, unassimilated, tightly knit racial group, bound to an enemy nation by strong ties of race, culture, custom and religion along a frontier vulnerable to attack constituted a menace which had to be dealt with."⁵⁷ DeWitt also claimed that since there was no evidence of sabotage by Japanese Americans that alone was proof that Japanese Americans were saboteurs.⁵⁸ DeWitt, and other military leaders, believed Japanese Americans were biding their time until an opportune moment arose to engage in sabotage.⁵⁹ More than two-thirds of Japanese Americans, such as the Shitaras, were U.S. citizens and the majority had never been to Japan, were not members of a "Japanese" religion, and had no ties to Japan or Japanese culture except through Japanese ancestry.⁶⁰ The only country they knew was the U.S., to which they pledged their allegiance. Only 6,128 of the approximately 120,000 Japanese Americans forcibly removed to War Relocation Centers renounced their U.S. citizenship⁶¹ and asked to return to Japan.⁶² Japanese Americans such as Gordon Hirabayashi,⁶³ Minoru Yasui,⁶⁴ and Fred Korematsu⁶⁵ challenged the legality of the Executive Orders, forced removal, and internment in relocation centers, and claimed they were loyal citizens, but the U.S. Supreme Court affirmed the constitutionality of exclusion and internment.⁶⁶ Japanese Americans gave their allegiance to a nation that promised the rights of citizenship, but the very act of relocation

illustrates how the U.S. reneged on that promise and denied Japanese Americans full citizenship.

Approximately ten thousand Japanese Americans, including the Shitaras, were forcibly relocated to the Granada Relocation Center, one of ten centers for Japanese American internment located in bleak desolate areas of the Western U.S.⁶⁷ often referred to as “worthless parcels of real estate.”⁶⁸ The Granada Center was one of the most peaceful internment camps, but at best, the camp had an atmosphere of fear, frustration, anger, resentment, and physical discomfort.⁶⁹ The government implemented “Americanization” programs to teach Japanese Americans about American culture.⁷⁰ The government educated Japanese Americans about the country in which the majority of Japanese Americans had been born and the only country the majority knew. The sisters remained at the center, renamed “Camp Amache” by internees because they delighted in the legend of the “Indian princess Amache,” until the War Relocation Authority altered internment policy in 1943. The government then allowed Japanese Americans to leave the centers to work in agriculture and industry in approved “safe” locations, and began enlisting Japanese Americans into the military in February 1943.⁷¹ The all-Japanese American 442nd Regimental Combat Team would demonstrate their allegiance to the U.S. by suffering the highest casualty rate of any American regiment in World War II. The government rewarded the 442nd for their allegiance to the U.S. by awarding the 442nd the most decorations of any unit in the war.⁷²

Approval to leave the camps hinged upon internees meeting two requirements. Male and female internees had to complete a long questionnaire in which the two most important questions were numbers 27 and 28: “Are you willing to serve in the armed forces of the United States, in combat duty, wherever ordered?” and “Will you swear unqualified allegiance to the United States of America and...forswear any form of allegiance to the Japanese emperor, or any other foreign government, power, or organization?” Answering “yes” to both loyalty questions was required for military service and clearance to leave the relocation centers to work. A “no” answer to either question indicated the person was disloyal and ineligible for relocation or military service.⁷³ Japanese American men and women had to answer “yes” to

both questions. Though women could not serve as combatants, they were encouraged to serve in the Women's Army Corps (WAC) as typists and stenographers. Still, Japanese American women were the only American women required to agree to be combatants. Answering "yes" to the allegiance questions was not the only requirement for those desiring work in industry or on farms outside the centers.

The War Relocation Authority required that internees have a job and housing before exiting the centers. The Shitara sisters answered "Yes" to the loyalty questions. The sisters pledged their allegiance to the U.S. The WRA then found them employment on the Winger Farm outside Trinidad, Colorado, near a German prisoner-of-war camp.⁷⁴ The sisters accepted the work assignment because they desired to prove their allegiance to the U.S. by working on the farm. In 1944, Toots would tell the Rocky Mountain News, "We wanted to help national defense— That's why we were working on a farm near Trinidad."⁷⁵ Ironically, the government placed the sisters, Japanese Americans the nation perceived as enemy aliens and as disloyal, in close proximity to captured enemy soldiers. The sisters worked alongside German POWs assigned to the farm.⁷⁶ The government's assignment of the Shitaras to the Winger farm would have surprising consequences.

On October 18, 1943, the U.S. Army notified the FBI that six German prisoners escaped from the Trinidad POW camp.⁷⁷ The prisoners: Heinrich Bente, Julio E. Hoffman, Heinz Eckold, Heinrich Haider, Hermann Loescher, and Martin Bazkes, "could have escaped October eleventh, twelfth or fourteenth," though they were not discovered missing until October 18th.⁷⁸ Heinrich Haider and Hermann Loescher gave varying dates for their escape, ranging from October 14th⁷⁹ to October 16th.⁸⁰ The men escaped through a hole in the barbed-wire fence surrounding the camp.⁸¹ Haider and Loescher had become acquainted with the Shitara sisters while working on the Winger farm. Haider admitted he was not on the Trinidad "work crew" assigned to the farm, but answered with another man's name who did not want to work on the farm. Loescher sent notes to the sisters asking them for help in escaping and Haider claimed to have talked with the women about aiding their escape.⁸² The POWs claimed the women gave them clothing, food, road maps, and picked them up outside Trinidad and drove them to Wagon

Mound, New Mexico.⁸³ When the men and women parted, Toots gave Loescher three photos: two of POW Bazkes with Billie and one of Toots with Haider.⁸⁴ Haider and Loescher were captured by Las Vegas, New Mexico Police Chief Nolan Utz, New Mexico State Police Captain Albert H. Hathaway, and an unidentified FBI agent while casually drinking beer at the Three Moon Tavern in Watrous, New Mexico.⁸⁵ Haider and Loescher told the arresting officers “We are Canadians, and we are going to Los Angeles” before admitting their identity.⁸⁶ Bente, Hofmann, Eckold, and Bazkes voluntarily surrendered to the Sheriff’s Office at Raton, New Mexico shortly after Haider and Loescher’s capture.⁸⁷ A significant player in the Shitara sisters’ arrest for aiding the escape was German POW Julio Hofmann.

Hofmann was a Chilean national who visited Germany in 1938 with his German father. While in Germany, Hofmann claimed the Gestapo arrested and imprisoned him until he agreed to join the German Army. Hofmann, under duress, gave his allegiance to Germany and the German Army. Hofmann reported to the FBI on the details of the escapes and the Shitara sisters’ involvement with Haider and Loescher. The Shitara sisters may have gone unnoticed if Hofmann had not informed the FBI of Haider and Loescher’s friendship with the Shitaras. In total, Hofmann gave the FBI details on six escapes and on an escape tunnel POWs had built several months prior to Haider and Loescher’s escape. The tunnel was one hundred and fifty feet long, five feet deep, and three feet wide, extending from one of the officer’s compounds to approximately sixty-five feet beyond the fence surrounding the camp. The POWs had installed electric lighting in the tunnel.⁸⁸ Hofmann told camp authorities about the tunnel at least two months prior to October 15, 1943, but camp authorities ignored his information.⁸⁹ While there were eleven escapes from the camp between Sept. 5, 1943 and November 17, 1943, none of the POWs used the tunnel in their escapes.⁹⁰ Hofmann escaped by going under the camp’s barbed-wire fence, as did other escapees.⁹¹

In reporting to the FBI about the escapes and tunnel, Hofmann was disloyal to Germany and the Trinidad German POWs and gave his allegiance to the FBI and the U.S. However, Hofmann made his difficult allegiance decisions in a climate in which he had no allies and few options. The Chilean Hofmann was neither German nor American.

The Gestapo forced Hofmann to serve in the German Army and as result of coercion; Hofmann became a prisoner of war in a camp in a foreign land. Hofmann was a foreigner in Germany forced into a foreign army (German) and then captured and sent to a foreign nation (the U.S.A.) and imprisoned with foreigners (German POWs) by foreigners (Americans). Hofmann gave his loyalty to whoever could benefit him the most. He became a German soldier to survive, and we can speculate that he gave his allegiance to the FBI and U.S. to survive in the POW camp among Germans POWs that may have been hostile toward him. According to the FBI, Hofmann felt “bitter against the Germans, and feels no loyalty toward them, and as a consequence had proved a valuable informant in this case.”⁹² Hofmann requested the FBI “intercede for him in order that he not be returned to Germany at the end of the war, in view of the fact that he fears some form of reprisal on account of his having furnished the above information.”⁹³ Hofmann, like One-Eye, shifted allegiances to gain personal benefits. Hofmann and One-Eye sought to improve their chances for survival and freedom. Nevertheless, the government seems to have used Hofmann and One-Eye for the information they could provide and expressed little concern for their safety. The U.S. Army murdered One-Eye during the Sand Creek Massacre and there is no record that the FBI did more than move Hofmann to another POW camp. Hofmann is an important player in the Shitara allegiance story because of the information he provided on the tunnel and on the ability of POWs to escape from the Trinidad POW camp at will. Escapes from the POW camp were relatively easy and did not require outside help. The aid purportedly given by the Shitara sisters to Haider and Loescher was insignificant.

According to Historian Arnold Kramer, Axis prisoner escapes from American POW camps during World War II were “generally motivated by factors far less sinister than the compulsion to rape, pillage, or sabotage.”⁹⁴ To show their allegiance to their country, soldiers were to resist their captors and attempt escape. Prisoners had a legal right to attempt escape provided for under the Geneva Convention of 1929⁹⁵ and could not face criminal charges for escape attempts.⁹⁶ Soldiers’ oaths of service encouraged them to resist their captors and escape.⁹⁷ The German government told prisoners, through offices of

the International Red Cross and the American War Department, “to take every opportunity to escape.”⁹⁸ After their capture, Haider and Loescher initially argued they escaped out of allegiance to Germany and out of their duty as soldiers, though they would later argue they escaped to return to Germany to fight the Nazis. Haider and Loescher refused to sign statements “demanded of criminals and such documents would imply doubt as to their honor as soldiers.”⁹⁹ Haider and Loescher followed a general protocol of war that required prisoners of war to attempt escape and, thereby, prove their allegiance to their nation. The requirement to attempt escape, however, does not explain the ease of prisoner escapes from the Trinidad POW camp.

Less fit men generally guarded American POW camps as fit men were serving in the overseas military. This encouraged Axis prisoners to escape from POW camps. Prisoners were further tempted to escape by the ease with which escape was possible. Prisoners, such as Haider and Loescher, often worked on agricultural sites with little supervision and from which escape was simple.¹⁰⁰ Escapes rarely involved elaborate planning. Sixty-five percent of escapes were by getting through, under, or over POW camp fences and thirty percent by simply leaving work sites.¹⁰¹ Haider and Loescher escaped by cutting a hole in the barbed-wire fence and their escape went unnoticed for several days.¹⁰² Loescher later escaped from the Camp Campbell, Kentucky POW camp on June 4, 1944¹⁰³ and was recaptured by the army on June 15, 1944.¹⁰⁴ Apparently, Haider and Loescher could have easily escaped from the Trinidad POW camp without the aid of the Shitara sisters.

The Shitara sisters’ aid seems to have been of little importance in Haider and Loescher’s escape. Haider and Loescher did not resist arrest and police captured them casually drinking beer in a tavern. It is reasonable to believe that if their motivation for escaping were allegiance to Germany, and to fight against the Allies, they would have been more intent in leaving the country. When arrested, Haider and Loescher had \$11.50 on them and denied that the Shitara sisters gave them any money. The FBI could not determine where Haider and Loescher obtained the money but the prisoners claimed they found the money and secretively brought it into the POW camp. Before the trial began, the FBI informed the prosecution “not to make any reference to the money which they

said they had smuggled into their prison camp.”¹⁰⁵ The FBI did not want the Trinidad camp security to look more inept in the media than shown by the numerous and well-publicized escapes. Even Toots, in an interview with the *Rocky Mountain News* during the treason trial, claimed, “German prisoners have been escaping right and left from the camp at Trinidad. I suppose we’re to be held responsible for those escapes, too.”¹⁰⁶ Loescher not only did not connect the Shitaras to the money but also defended them during the trial.

Loescher demonstrated his allegiance to the Shitara sisters by attempting to intervene in their punishment. Significantly, Loescher sent a letter to Judge J. Foster Symes “requesting leniency for the Japanese women.”¹⁰⁷ Loescher offered, “to accept for them any punishment which might be given them in a trial of their case.” Loescher “felt that he and Haider were much guiltier than they... and felt that the Japanese subjects, who in his opinion were less guilty than he, should not have to pay for their offense.”¹⁰⁸ Loescher wrote:

Sir! As you now have got my statement I profit by the opportunity to give the following to your notice: When my comrade Haider spoke to the two Japanese women (Toots and Billie) for the first time about our escape plans they both objected vividly. “There is no good in escaping for you,” they said. “Wait for the war’s end; be patient; keep your health; don’t play with your life,” was their advice. They pointed out a lot of dangers and circumstances making a flight nearly impossible. But being regardless resolved to realize the escapade we tried to persuade the women. We had to take many troubles by words and by letter to change their mind. Finally we succeeded. I think it therefore reasonable to consider us the more guilty part, not the seduced women. Without our urgent persuasions they would never have agreed. Please regard that matter of fact! The thought of our helpers being punished is a very bitter one. Is there really no way for us to milder a possible penalty or to take any influence to the verdict?

I commend this affair to your generosity.

Hermann Loescher¹⁰⁹

The sisters, though they did not testify during the trial, swore to the media they did not aid the prisoners' escape and their allegiance was to the U.S. "We are not disloyal," Toots said after the conviction, "The husband of one of my sisters is in the United States Army, serving overseas, and a brother of ours has his notice to report for his pre-induction physical examination."¹¹⁰ Approximately eighty years before the Shitara story, Black Kettle proclaimed his allegiance to the U.S. during the Sand Creek Massacre. These stories from the desolate plains of Southeastern Colorado resonate with similar themes of allegiances given to the U.S. during periods of cultural conflict. However, neither Black Kettle nor the Shitaras had their allegiance to the U.S. accepted. Haider and Loescher's claims of allegiance to the American cause against Germany would also fail.

The prisoners claimed they escaped to return to Europe to fight the Nazis. During the trial, Haider and Loescher, described by *The Denver Post* as "bespectacled Germans" and as "two Nazi supermen," professed their hatred of Nazis.¹¹¹ According to *The Denver Post*, Haider professed he was "a bitter anti-Nazi, a member of the Austrian underground, beaten, abused and kicked in a German concentration camp, from which he was mysteriously, and unexplainably, released to be drafted into the army."¹¹² Haider told the prosecutor, "I object to the statement that I escaped from the Trinidad prison camp so that I might go back and fight for Germany. I escaped so that I might join the Austrian or Czechoslovakian Legion and fight against the Hitler gang. For I know that if the Nazis should win, I would be hanged." Haider claimed the Gestapo arrested him on November 17, 1938, in his native Linz, Austria, after he signed "a paper calling upon our countrymen to arise against Hitler."¹¹³ Haider was released from a German concentration camp on November 17, 1940, and then served in the German Army until captured in North Africa in May 1943, after being wounded a third time.¹¹⁴

Loescher's argument differed from Haider's in that he argued he "was no longer a soldier. You take his arms and his company away and a man is no longer a soldier, but one who cries for freedom."¹¹⁵ Haider and Loescher proclaimed allegiance to the Allies in the war against Germany and their only desire in escaping was to fight against

“the Nazis.” This put into question the validity of the treason charge against the Shitaras. If the defense could have presented Haider and Loescher as escaping to join the Allied cause, then the sisters would have been aiding the war effort and not treasonous. Defense Attorney Kenneth Robinson argued, “the theory of treason is not possible under the circumstances, in view of the fact that the three women merely were releasing prisoners to fight against an enemy of the United States.”¹¹⁶ The aid the sisters may have given Haider and Loescher in escaping does not alone explain the sisters’ conviction for conspiracy to commit treason.

The sisters’ conviction was not only due to their aiding in the POWs’ escape, but their enemy alien identity. Relocation increased public sentiment that individuals of Japanese descent, of which more than two-thirds were American citizens, were potential saboteurs. Americans did not differentiate between Japanese Americans and the Japanese the Allies were fighting in the Pacific. As a result, the public perceived Japanese Americans as disloyal enemy aliens. The sisters came under the jurisdiction of the U.S. Alien Enemy control unit after leaving the camp to work on the Winger Farm.¹¹⁷ After Haider and Loescher’s escape, the FBI forced the Shitara sisters to return to Camp Amache in October 1943, while the U.S. Attorney’s office sought a secret indictment.¹¹⁸ The U.S. Alien Enemy control unit kept track of the sisters and asked the FBI to send any information or “subversive implication on the part either of alien Japanese or of Americans of Japanese ancestry who have been released under War Relocation Authority procedures.”¹¹⁹ Contradicting the U.S. Alien Enemy control unit, Amache Camp Director James Lindley said all individuals of Japanese ancestry released to work in the Trinidad area “were found to be loyal” before charges were brought against the sisters.¹²⁰ The government had to clear up one major issue before the sisters’ trial began.

The U.S. State Department delayed the arrest and trial of the sisters while negotiating prisoner exchanges with Japan. Japan would return captive American soldiers to the U.S. in exchange for Japanese and Japanese American internees who sought repatriation to Japan. These individuals of Japanese ancestry gave their allegiance to Japan often due to bitterness from the relocation experience. The U.S. Attorney General

“had instructed that all prosecutions of Japanese subjects be held up for the time being.”¹²¹ The “State Department was trying to effect more repatriation exchanges with the Japanese government and at the present time the Spanish Embassy was conducting a survey of the treatment of Japanese nationals in the United States in order that Japan might decide on whether they would agree to further exchanges.”¹²² According to *The Denver Post*, the trial delay occurred because “the exchange ship Gripsholm had not left Japan with the last group of Americans to be exchanged between the United States and the Nipponese. It was weeks before the Gripsholm reached a neutral port, and came into American hands. To try this case, in that period, was fraught with dangers—dangers which the American government did not wish to face.”¹²³ The official arrest of the Shitaras did not take place until the Gripsholm reached a neutral port and the U.S. Attorney General was sure the arrest would not interfere with prisoner exchanges. The belief that the Shitaras’ arrest would interfere with American and Japanese prisoner exchanges indicates the sisters, who were American citizens and had lived only in the U.S., were viewed by the government as “Japanese” and not as Americans. Like Black Kettle, One-Eye, and even Amache eighty years earlier, they could not be “American” due to their race. Once arrested, their race, enemy alien label, and gender would be central factors in their conspiracy conviction.

The FBI officially arrested the sisters on May 9, 1944,¹²⁴ charging them with suspicion of conspiracy to commit treason and with treason.¹²⁵ Their trial, as previously mentioned, was the third for treason in the United States during World War II and the first, and only, in Colorado during the war. The trial represented the first treason trial of Japanese Americans in U.S. history. *The Denver Post* proclaimed the trial “... one of the most extraordinary cases ever tried in American history, and it has attracted national interest. It is the third treason trial of World War II,¹²⁶ but because of the Japanese-American aspect and because of the anti-Nazi element, and the legal problem this inspires, it is certainly the most unusual.”¹²⁷ The sisters denied aiding the escape and never changed their story though they refused to testify.¹²⁸ Key evidence against the sisters was several Conoco maps found in the possession of Haider and Loescher at the time of their arrest. FBI fingerprint

analysts found Billie's and Toots's fingerprints on a Conoco map of California-Nevada.¹²⁹ However, fingerprint analysis showed more than half a dozen FBI agents' fingerprints on the same map.¹³⁰ Furthermore, the German POWs entered and exited the Shitara house on the Winger farm at their own free will and according to Winger, the German POWs had "free reign" to go wherever they wanted.¹³¹ Again, Haider did not have a work assignment on the Winger farm but answered to another man's name when the work crew went to the farm each day and he, or Loescher, could have taken the maps from the Shitara house without the sisters' knowledge. Billie's and Toots's fingerprints would have been on the maps if the POWs took them from the Shitara house. The jury overlooked this alternative possibility of how Billie's and Toots's fingerprints came to be on the maps. The FBI files and court records do not indicate why the jury overlooked this alternative or if the composition of the jury and their possible prejudices factored in the sisters' conviction.

A jury of the Shitara sisters' peers took little time in reaching a verdict. The jury consisted of, according to the *Rocky Mountain News*, "12 average men."¹³² "Only one of those called said he was prejudiced "against the Japanese as such" and was dismissed from jury service.¹³³ *The Denver Post* described the jury as "twelve typical American citizens selected to pass upon the fate of the three Japanese American women on trial."¹³⁴ The jury consisted of all white men, and seven jury members had relatives in the U.S. Army.¹³⁵ The jury acquitted the sisters of treason, but convicted them of conspiracy to commit treason, and Judge Symes sentenced Billie and Flo to twenty-months in prison and a \$1,000 fine while Toots, the alleged ringleader,¹³⁶ received a two-year prison sentence and a \$1,000 fine. Each of the women had a child, so Toots asked Judge Symes if she could serve the sentence of one of her sisters, in addition to her own sentence, so that at least one sister would be free to look after their children.¹³⁷ Toots displayed her allegiance to her sisters by the request. Judge Symes denied the request.¹³⁸ The jury alone is not responsible for the conviction. The media played a major role in sensationalizing the trial and representing the women to the public, and possibly to the jury, as disloyal.

The Denver Post and *Rocky Mountain News* convicted the women

in the court of public opinion and contributed to the guilty verdict by sensationalizing coverage of the arrest and trial to titillate the public. They placed “Jap” in nearly all news headlines and continually referred to the sisters’ “Oriental” and “Japanese” physical features. The *Rocky Mountain News* described the sisters as “young Oriental women”¹³⁹ with “sharp black eyes.”¹⁴⁰ William Tanigoshi, Billie’s husband, became the object of racial voyeurism and speculation. During the trial, the *Rocky Mountain News* described William as looking “more like a Notre Dame tackle than an evacuee of Japanese ancestry.”¹⁴¹ Speculation on William’s racial features gained center stage when the court requested that William stand so the audience could see him. The courtroom audiences “were surprised that Tanigoshi is of Japanese ancestry, as the Oriental cast is lacking in his rugged face.”¹⁴² William was described as having “Anglo-Saxon blood.”¹⁴³ William reacted to the fascination with his physical features by stating, “It’s tough to be a racial minority member, but I know Negro soldiers are having a hard time in some parts of the country too.”¹⁴⁴ Toots’s husband also became a focus of racial conjecture.

Toots’s first husband, Tom Endo, a fisherman, was lost at sea but Toots remarried to Virgil Cleo Wallace.¹⁴⁵ Virgil was a white man, and the court and newspapers were fascinated with the intermarriage of a Japanese woman and a white man.¹⁴⁶ The newspapers implied that Virgil’s marriage to a Japanese woman was “suspect.” The newspapers dramatized the courtroom racialization of the trial and fed into the public’s perception of the women as enemy aliens incapable of loyalty.

The newspapers heightened the sensationalization by focusing on the relationship between the women and prisoners. The prosecutors called the relationship between the women and prisoners “sexual,” and claimed the women were unfaithful to their husbands. Assistant U.S. District Attorney Ivor O. Wingram’s opening statement detailed how the German POWs were “men who ‘kissed’ and, having kissed, were now about to tell, even though the telling might mean that the women to whom they made love go to the gallows.”¹⁴⁷ The newspapers embellished courtroom descriptions of the women as not only unfaithful, but also disloyal to their husbands. Police Chief Utz found three photos when he searched Haider: one of Toots with Heinrich Haider and two photos

of Billie with Martin Bazkes.¹⁴⁸ The newspapers published the innocent photographs of the Germans hugging the women and with their arms around them. The photos first appeared in *The Denver Post* on October 24, 1943, and referred to the photos in the news story as “petting parties” and “the German and Jap girl are shown wrapped in each other’s arms, engaging in a kissing fest.”¹⁴⁹ “Snapshots that formed part of the investigation showed these young women in warm and cooperative embrace with the Nazi non-coms.”¹⁵⁰ On August 8, 1944, *The Denver Post* referred to the photos as showing “passionate love making.”¹⁵¹ *The Denver Post* claimed, “These pictures...were printed in the Post and started the investigation which resulted in the trial.”¹⁵² They used the caption “Allies in Arms”¹⁵³ and headlines such as “Love Tryst Photos Introduced in Denver Treason Trial”¹⁵⁴ and “German Prisoners Spooned With Jap Girls in Trinidad”¹⁵⁵ to exaggerate courtroom events. Toots denied there was any “lovmaking” between the sisters and the POWs. She argued the photos were made in fun and that “Yes, I stood beside one of the Germans and he put his arm around me, but I don’t see any harm in that.”¹⁵⁶ The newspaper referred to the sisters as “girls,” though Billie was 32 years old, Flo was 33 years old, and Toots 34 years old. Large city newspapers across the country sensationalized the case, but their coverage was more limited. *The Washington Post* referred to the case as a “‘Little Axis’ Drama Near Colorado Camp” and the photos as “love scenes.”¹⁵⁷ The newspapers supplied the public with racialized and sexualized portrayals of enemy aliens who were disloyal to their country and their husbands. Federal jury trials did not require sequestering, so jurors most likely read newspaper accounts of the trial and it is likely that these accounts influenced the verdict.¹⁵⁸ The government not only questioned the sisters’ allegiances during the trial, but the allegiances of the police officers who arrested Haider and Loescher.

An interesting aspect of the FBI investigation into the arrest of Haider and Loescher was the FBI’s questioning of the allegiances of Las Vegas, New Mexico Police Chief Nolan Utz and New Mexico State Patrolman Albert H. Hathaway. Chief Utz searched Haider and Loescher and found three photographs of which one showed Toots with Heinrich Haider and the two of Billie with Martin Bazkes.¹⁵⁹ Utz did not inform the unidentified FBI agent present at the escaped POWs

arrest of the photographs. In fact, the agent asked Utz and Hathaway “if anything had been taken from the prisoners” and they replied “in the negative.”¹⁶⁰ Utz “had determined that he and State Police Officer Hathaway upon finding the photographs in question” had “decided to keep them for themselves.”¹⁶¹ Chief Utz subsequently informed the investigating FBI agent that a friend of his on the *Daily Optic*, a local Las Vegas newspaper, “asked him for the picture of the unknown individual embracing a Japanese girl, which subsequently was printed in the *Denver Post*.”¹⁶² Chief Utz advised the agent “he had been double-crossed, inasmuch as the Editor of the *Daily Optic*, Mr. Walter T. Vivian, had forwarded these photographs to the *Denver Post* for publication.”¹⁶³ Utz originally gave the photographs to a friend and somehow the *Daily Optic* editor got hold of them and sent the photos to *The Denver Post*.¹⁶⁴ Utz said, “He did not realize the significance of the pictures from a military standpoint, and had he known of the consequences of his act in giving the pictures to his friend he would not have done so.”¹⁶⁵ The investigating FBI agent described Utz and Hathaway as “extremely cooperative.”¹⁶⁶ Nevertheless, FBI Director John Edgar Hoover was wary of the law enforcement officials’ allegiance to the FBI and nation and notified the El Paso Special Agent in Charge (SAC), “In view of your favorable comments concerning these officers, authorization is given to you to personally discuss with them their actions in connection with the handling of the case.... The bureau is still of the opinion that you should be particularly cautious in your future dealings and associations with these officers to prevent a recurrence of the instant situation.”¹⁶⁷ Utz and Hathaway’s allegiance to the FBI and U.S. remained questionable even though Hathaway reasserted his allegiance to the U.S. by joining the U.S. Navy.¹⁶⁸ The FBI was not only interested in the police officers’ allegiance, but in the allegiances of the *Rocky Mountain News* and *News*’ reporters during the trial

The FBI questioned the loyalty of the *Rocky Mountain News* and *News*’ reporters during the Shitara trial. FBI agent R.P. Kraemer advised the bureau that during the trial, on August 9, 1944, “an attorney, during the cross examination of one of the German prisons of war who is testifying for the Government, asked him what the Gestapo was. In substance he explained it was ‘something like the FBI, but more brutal.’

However, the press which is covering this trial almost verbatim today reports that he remarked it was ‘something like the FBI, but not quite as brutal.’”¹⁶⁹ Hoover demanded to know if the statement was correct or if the *Rocky Mountain News* intentionally misstated the prisoner’s words to represent the FBI in a negative light.¹⁷⁰ The quotation was correct in the *Rocky Mountain News* when checked against the court reporter’s transcription of court proceedings. U.S. Attorney Thomas J. Morrissey and the court reporter “expressed the opinion that Haider was very confused and excited, and that he undoubtedly mis-stated himself.”¹⁷¹ Morrissey was convinced that what Haider actually meant to say, “was that the FBI and the Gestapo were similar in that they are engaged in intelligence work, but that the Gestapo was more brutal than the FBI.”¹⁷² FBI Agent R.P. Kraemer was not convinced and informed Hoover that, “From the manner in which the Rocky Mountain News handled the reporting of the trial of this case, there is some doubt in my mind as to the sincerity of the expressed friendship of this paper for the Bureau.” Kraemer noted, “The Bureau may be assured that I shall watch this matter very closely and take all proper steps to protect the bureau’s interests so far as this newspaper is concerned. It is observed that one of the articles gives the by-line of JACK FOSTER, whereas the others are not signed. Efforts will be made to obtain necessary information concerning FOSTER and his feelings for the Bureau.”¹⁷³ After the *Rocky Mountain News* reverified the quotation, the issue of the *News*’ allegiance was resolved and never again mentioned in FBI letters and memorandums.¹⁷⁴ The final day of the sisters’ trial was the most dramatic and illustrated the centrality of allegiances in the case.

On the final day of the trial, prosecuting attorney Morrissey held up the photo of Toots and Haider and argued the women betrayed the U.S. and gave their love, their allegiance, to the German POWs. Morrissey stated, “It is, I say, the old, old story of woman. It is the things that passeth understanding. They are the way of the bird in the air, the way of the serpent upon the rock, the way of a ship at sea—and the way of a man with a maid.”¹⁷⁵ Morrissey argued, “Love—Love! Fie on love! I say these women are traitors—traitors! I say fie on love and fie on sympathy. These were married women. If this be American love, God help us—God help our democracy.”¹⁷⁶ Morrissey concluded, “These women—these traitors... were not true to their husbands nor, gentlemen

of the jury, were they true to the United States of America. Traitors, traitors—little Benedict Arnolds in skirts.”¹⁷⁷

CONCLUSION

After the trial “Judge Symes remarked, after passing sentence, that he wanted to emphasize that the Japanese sisters are American sisters and had received an impartial trial.”¹⁷⁸ However, like the Bent brothers and Black Kettle, the Shitara sisters could not be Americans. The government and the nation treated them as disloyal no matter how often they claimed allegiance to the U.S. or how earnest their allegiance may have been. During times of cultural conflict all people seemed to have their loyalty questioned but the Shitaras, Bents, and Black Kettle could never prove their loyalty to the U.S. like white individuals. During these periods of obsession with allegiances, men and women of color and whites who intermarried with people of color, were perceived as disloyal. During World War II, when the obsession with allegiances reached a furor that mirrored the oncoming McCarthy communist witch hunts of the 1950s, Japanese Americans were the focal point of disloyalty as the Bents and Black Kettle were in their era. Their race, intermarriage with nonwhites, mixed race children, allegiances to nonwhite people, and public, government, and media misperceptions of their loyalties prevented them from being loyal Americans in the eyes of the nation. Denial of their allegiance to the U.S. was denial of their being American because citizenship requires acceptance by the nation of an individual’s allegiance. Without the nation’s acceptance and acknowledgment of individual’s allegiance the individual remains disloyal and an enemy alien. The sisters, like Black Kettle, One-Eye, and the Bent brothers, remained disloyal enemy aliens. They were subjected to social and political forces that denied them allegiance, and the complicated choices they made allowed them to mediate the harsh realities they lived. In myriad ways, the Shitara sisters and their disloyal predecessors of the dry windswept plains of Southeastern Colorado history are similar to and different from Benedict Arnold. They gave their allegiance to the U.S., like Benedict Arnold, and the nation saw them as traitors. However, unlike Benedict Arnold, these traitors of Southeastern Colorado could never have the acceptance of the nation, government, and people accorded Benedict Arnold because of their

race and the allegiances they made with Indians, Mexicans, and other nonwhite people.

The Shitara sisters, “little Benedict Arnolds in skirts,” could not be traitors because America never accepted them as American and the nation never accorded them the honor and hero status given Benedict Arnold before he purportedly betrayed the embryonic nation. The Shitaras, Bent brothers, Black Kettle, One-Eye, and Amache lived in Southeastern Colorado during periods of cultural conflict and contestation. They formed allegiances to mediate these cultural conflicts, but the American government and people viewed their allegiances as disloyalty. The public, government, and media convicted the sisters of conspiracy to commit treason based on misperceptions of their loyalties. The Shitara sisters, like the individuals in prior Southeastern Colorado allegiance stories, could not win. The government sentenced the Shitaras to prison for their alleged disloyalty while U.S. soldiers murdered One-Eye and Black Kettle. William Bent, out of loyalty to the Cheyenne and Arapaho, attempted to mediate with the army to protect them but failed. These loyalty conflicts permeate Southeastern Colorado history and explain the complex social relations that pervade the region’s history. The buried history of Southeastern Colorado possesses a myriad of “little Benedict Arnolds” and through examining their stories, the region’s history of conflict and cultural contestation is exhumed.

Endnotes

- 1 This article would not have been possible without the valuable insights offered by Dr. Jared Orsi of the Colorado State University History Department.
- 2 U.S. Department of Justice ["USDOJ" hereafter], Federal Bureau of Investigations ["FBI" hereafter], Interview Report, Tsuruko Endo Wallace file ["TEW file" hereafter], Feb. 18, 1960, Bureau File #LA 93-1918, Freedom of Information and Privacy Acts Request ["FOI/PA request" hereafter].
- 3 United States District Court ["USDC" hereafter], Judgment and Commitment papers, Florence Shivze Otani, Tsuruko Wallace, and Billie Shitara Tanigoshi, Aug. 18, 1944.
- 4 Letter from Wanda M. Hunt, Chief, FOI/PA Section, USDOJ, Federal Bureau of Prisons, to Author, Dec. 19, 2005.
- 5 USDOJ, FBI, Interview Report, TEW file, Feb. 18, 1960.
- 6 USDOJ, FBI, Ascertaining Financial Ability, Bureau File # 93-21948, April 25, 1960, TEW file, FOI/PA request.
- 7 n.a., "Jap Treason Trial Starts Here Today," *Rocky Mountain News*, Aug. 7, 1944.
- 8 John H. Schaar, *Loyalty in America* (Westport, CN: Greenwood Press, 1982 [1957]), 3.
- 9 *Ibid.*, 3.
- 10 *Ibid.*, 4
- 11 *Ibid.*, v.
- 12 Harold Guetzkow, "The Adaptiveness of Loyalty Depends Upon the Nature of the Source," in G.N.D. Evan, ed., *Allegiance in America: The Case of the Loyalists* (Reading, MA, 1969), 174.
- 13 *Ibid.*
- 14 Morton Grodzins, *The Loyal and the Disloyal: Social Boundaries of Patriotism and Treason* (Chicago, 1956), 5-6.
- 15 *Ibid.*, 105-131.
- 16 Robert Sanchez, "Plains Grow More Lonesome," *The Denver Post*, March 16, 2006, Denver and the West section.
- 17 David Lavender, "Bent's Fort and Manifest Destiny," in Steven Grinstead and Ben Fogelberg, eds., *Western Voices: 125 Years of Colorado Writing* (Golden, CO, 2004), 185.
- 18 *Ibid.*, 196.
- 19 *Ibid.*, 195.
- 20 Stephen G. Hyslop, *Bound for Santa Fe: The Road to New Mexico and the American Conquest, 1806-1848* (Norman, OK, 2002), 225.
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