

## Lawsuits

While the better known lawsuits filed during and after World War II involve civil and constitutional rights, there were a handful of lawsuits relating to property and lease rights of Japanese Americans evicted from Little Tokyo.

The Oshiro case was filed during the 1942 chaos of eviction and incarceration, when many Japanese American business people were forced to leave while under leases and contracts with white property owners. The ruling on this case had ramifications for other Japanese American lease holders.

As Japanese Americans returned to the West Coast in 1945, occupancy and ownership became an issue. Japanese American businesses or churches that were fortunate to own buildings in prewar Little Tokyo became involved in a handful of lawsuits after the war to reclaim their properties.

For the most part, however, Bronzeville transitioned back to Little Tokyo without lawsuits. Either the building owners did not renew lease agreements with the African Americans or the Japanese Americans bought out the Bronzeville businesses.

Leon Brown & Harry Alberts for Anna D. Brown vs. Y. Oshiro

The Brown vs. Oshiro was a wartime test case that affected Japanese Americans who held leases with property owners in Little Tokyo. Prior to the war, Y. Oshiro leased a Little Tokyo hotel at 211 1/2 East First Street. When the United States government issued eviction and incarceration orders in the spring of 1942, Oshiro was sent to the Pomona Assembly Center, where he contended he could no longer pay the \$175 per month rent under his lease agreement. Property owners Leon Brown and Harry Alberts, on behalf of the late Anna B. Brown, sued Oshiro. In July 1942, the Los Angeles Superior Court ruled that Oshiro was liable for fulfilling the terms of the lease.

Oshiro appealed. In April 1943, the Appellate Court found that the military order that removed Oshiro from the West Coast and prevented him from continuing his business was a situation beyond Oshiro's control, and as a result, the contract was invalid.

Providence vs. L.A. Homba Hongwanji

The Providence Baptist Association (PBA) et al vs. Los Angeles Homba Hongwanji et al is a case study on some of the difficulties that occurred during the transition period back to Little Tokyo.

The lawsuit indicates that the PBA board of managers voted to vacate the temple for the returning Japanese Americans. The Rev. B.W. Wade, quoted in the lawsuit, summed up the PBA board sentiment when he said: "That the Japanese were a minority people like they themselves. They had no wish to deprive them of their own property, and that they could understand the situation, but still they wished to have it (building) if it is available and if it is not available then they cannot help it."

The problem arose when the Rev. L.B. Brown objected and took it upon himself to file a lawsuit. Brown was president of the PBA sponsored Providence Baptist Institute, a theology school, and pastor of the First Street Church, located in the temple's ground floor.

According to the lawsuit, Rev. Julius Goldwater, who had the power of attorney over the temple, met with PBA board members during December 1944 and January 1945, when the large majority of Japanese Americans were still in camps.

The PBA board, which had signed a one-year lease agreement on Jan. 5, 1944, wanted to renew their lease, but the lease agreement had a provision where it could be terminated, on 30 days notice, if Japanese Americans were to return to the temple. Â

Most likely, Brown then informed the temple board that PBA was going to fight eviction, whereupon the temple sued PBA in Municipal Court on Jan. 16, 1945 for unlawful detention of property. This case never went to trial.

Meanwhile, the temple also faced foreclosure proceedings on Feb. 15, 1945.

On Feb. 24 1945, Brown, on behalf of PBA, sued the temple, Goldwater and Dr. George Hill Hodel, another temple tenant, for forcible entry and unlawful detainer.

On May 3, 1945, a jury returned a verdict of \$5,000 in damages in favor of PBA. The temple filed a motion for a new trial, and the court granted the motion on June 17, 1945 on various grounds, including newly discovered evidence and insufficiency of the evidence to support the verdict.

The new evidence included the PBA board minutes, which recorded that the PBA board voted to move out of the temple.

The Rev. L.B. Moss, PBA secretary of the board, also in his May 22, 1945 deposition noted inconsistencies in Brown's testimony.

Brown/PBA appealed, but the appellate court upheld the decision for a new trial, noting that the appellate court found no evidence of forced entry; that PBA had been compensated for \$920.12, which was the figure PBA claimed it would lose if they were forced to move; and that the damage award of \$5,000 was excessive.

The appellate court papers cite minutes from a PBA meeting, which read: "Upon their agreement and the agreement of the Association to the terms stated above, a motion was made by Reverend J.E. Pius and seconded by Reverend E.D. Payne that the Association vacate the building immediately and turn possession thereof over to Mr. Julius Goldwater. The motion was carried."

The lawsuit, then, noted that the PBA board requested Brown to turn over the keys to Goldwater but Brown apparently kept an extra pair of keys and continued to conduct theology classes.

When Goldwater and three other temple members entered, using the key, Brown objected vociferously, thus prompting Brown, using the PBA name, to file a lawsuit for forcible entry.

In September 1950, the court granted the temple's motion to dismiss the original \$5,000 ruling. No one from PBA appeared to fight the dismissal.

#### L.A. Hompa Hongwanji vs. George Hill Hodel

Dr. George Hill Hodel, who had been subletting from the Providence Baptist Association, ran the First Street Clinic, a medical facility, inside the temple.

On Jan. 19, 1945, after Hodel's lease with PBA had expired, he entered into a three-year lease agreement directly with the temple. When Brown/PBA filed a lawsuit against the temple, Hodel was also named as a defendant.

On Dec. 17, 1945, the Los Angeles Hompa Hongwanji filed a lawsuit against Hodel for failure to pay rent. The lawsuit noted that Hodel sent in rental checks with unauthorized deductions. Hodel, for his part, contended that he was deducting costs for various building repairs and a portion of the utilities since his office shared a utility meter, which covered sections he was not renting.

Hodel also noted that much of the problem centered on the refusal to pay rent by temple tenants, Rev. L.B. Brown and his sister, Melba Brown, who ran Melba's Beauty Shoppe in the temple. According to Hodel, the two claimed they were PBA tenants, which won a \$5,000 judgment against the temple and Hodel. Hodel had even filed Municipal Court suits against the brother and sister but both suits were never brought to trial.

On April 19, 1946, the court ruled in favor of the temple, and allowed the temple to recover unpaid rental fees and to terminate Hodel's lease agreement. Sheriff officers removed Hodel's staff from the building on April 23, 1946.

#### L.A. Hompa Hongwanji vs. Julius Goldwater et al

The Los Angeles Hompa Hongwanji sued the Rev. Julius Goldwater for \$20,000 on June 10, 1946 for accounting irregularities.

Goldwater had been given the power of attorney over the temple building on May 1, 1942, when it became apparent that all West Coast Japanese Americans would be incarcerated into confinement camps for the duration of World War II.

The non-jury case went to trial on April 23, 1947, and Los Angeles Superior Court Judge Alfred L. Bartlett ruled in favor of the temple on May 19, 1947.

Goldwater started at a disadvantage since he had failed to keep an accounting book of monies received and disbursements made.

The court found that Goldwater withdrew \$5,000 from the temple bank account on July 8, 1942 and put it into a separate bank account, under the name of Buddhist Brotherhood of America, where temple funds commingled with Goldwater's monies. The court noted that Goldwater continued to deposit rent from temple tenants, sales from temple assets and funds sent by various temple members into this account, as well as sales from books published under the Buddhist Brotherhood of America.

The court also found that Goldwater incorporated the Buddhist Brotherhood in November 1945, using temple funds to pay for expenses and attorney's fees associated with incorporation. In addition, the Buddhist Brotherhood adopted doctrines at variance with the Hompa Hongwanji sect.

While the court recognized that Goldwater devoted a large part of his time to missionary work among the Japanese American camp inmates, the court noted that this work was not connected to the management of the temple property.

The court further stated that Goldwater used the temple bank account to pay his own telephone bills, attorney's fees, automobile expenses, publications of books and other non-temple transactions.

As a result, the court ruled that Goldwater used the temple funds for purposes not connected with his responsibilities as a custodian of the temple property, and that he did so without the permission of the temple board.

After calculating a \$17,040.63 credit due Goldwater, the court ordered him to pay \$10,301.61 to the temple, which he did. The calculation broke down to \$8,966.94 in principal, plus \$1,334.67 in interest.

New Olympic Hotel vs. Western Loan and Building Company, Charles Halton, Lelah Halton, Jackson Diggs, Western States Realty Company and Chili Evaporator Corp.

The New Olympic Hotel lawsuit involved a confusing trail of questionable ownership transfers that occurred in the panic of eviction and incarceration orders given out by the United States government in 1942.

In 1947, the Los Angeles Superior Court ruled in favor of the New Olympic Hotel Corporation, allowing the Japanese American share holders to reclaim the hotel property and its furnishing. During the war, it had operated as the Downtown Hotel.