

## Lore of the Corps

### Colonel Walter T. Tsukamoto: No Judge Advocate Loved America or the Army More

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[Editor's Note: As May is "Asian-Pacific American Heritage Month," this Lore of the Corps about the first Asian-American judge advocate is both timely and appropriate.]

Shortly after the December 1941 attack on Pearl Harbor, Walter T. Tsukamoto, a civilian lawyer and judge advocate (JA) captain (CPT) in the Army Reserve, requested that the War Department order him to active duty. His request was denied. Tsukamoto made another request for active duty. It also was denied. He then applied a third and fourth time for active duty: denied again each time. Finally, when Tsukamoto applied a fifth time in early 1943, the Army relented and, on 10 March 1943, CPT Tsukamoto—a native-born U.S. citizen of Japanese ancestry—became the first Asian-American to serve on active duty in the Judge Advocate General's Department (JAGD). What follows is a remarkable story of an Army lawyer whose love for America and the Army never wavered despite the fact that this affection was not always reciprocated.

Born in Molokai, Hawaii, on 15 September 1904, Walter "Walt" Takeo Tsukamoto moved with his parents from Hawaii to Nevada when he was only a few months old. When Walt was seven years old, his parents moved from Nevada to California and settled in Sacramento. Young Tsukamoto soon proved to be an excellent student and, after graduating from high school in 1923, entered the University of California at Berkeley.

Tsukamoto graduated with a law degree (LL.B.) in 1929, passed the California bar examination, and began practicing law in Sacramento. He had a general practice that included probate, civil, and criminal law. Tsukamoto's specialty, however, was alien property law. This area of law was of great importance to Japanese immigrants living in California in the 1930s because the state had enacted legislation in 1913 prohibiting non-citizens from owning land in California.<sup>1</sup> Since U.S. law during this time did not permit Asian immigrants to become naturalized citizens,<sup>2</sup> a native-born American (known as a "Nisei" in Japanese) like

Tsukamoto could own real estate in California while his parents, who were born in Japan, could not. Men and women in the same predicament as Tsukamoto's parents visited Tsukamoto for advice on how to lawfully acquire real estate, especially farmland, which many Japanese immigrants in California were interested in purchasing.

Walt Tsukamoto also was politically active in his local community and routinely lobbied the largely antagonistic California legislature on behalf of Japanese-Americans. Particularly noteworthy was his success, achieved almost singlehandedly in the mid-1930s, in defeating legislation that would have prohibited Americans of Japanese ancestry from engaging in the fishing industry.<sup>3</sup> Tsukamoto also was a force in national politics. He had joined the Japanese American Citizens League (JACL) as a young Sacramento attorney and was elected to serve a two-year term as national president in 1938.<sup>4</sup>

In addition to his law practice, Walter Tsukamoto also pursued a career as a Soldier. Having participated in the Reserve Officer Training Corps program at Berkeley, where he had attained the rank of cadet major, Tsukamoto was commissioned as an Army Reserve infantry officer on 10 May 1927. Assigned to the 361st Infantry, 91st Division, then-Second Lieutenant Tsukamoto took Army correspondence courses in map and aerial photography reading, customs and courtesies, and scouting and patrolling. After transferring to the Reserve JAGD on 29 July 1937, now-CPT Tsukamoto also took correspondence courses in administrative law, military justice, and the rules of land warfare. He was the first Nisei to wear the crossed-sword-and-pen insignia on his collar and was almost certainly the first Asian-American JA.

When the Japanese surprise attack on Pearl Harbor occurred, Tsukamoto was shocked and angry. As a patriot and Reservist, he immediately volunteered for active duty.

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<sup>1</sup> California's Alien Land Law, enacted in 1913, prohibited persons ineligible to become U.S. citizens from owning land in the state or from leasing land for more than three years. The law was intended to prevent Japanese immigrants from purchasing farmland. Asian and other non-white immigrants were prohibited from owning land in the state until the California Supreme Court ruled in 1952 that the restriction was unconstitutional.

<sup>2</sup> President Calvin Coolidge signed the Immigration Act of 1924, 43 Stat. 153, which continued the ban on further Japanese immigration. In fact, U.S. law continued to curtail Japanese immigration until 1952, although the Japanese brides of U.S. servicemen were permitted entry onto U.S. soil after World War II.

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<sup>3</sup> For more on the attempts to exclude Japanese Americans from California's fishing industry and Walt Tsukamoto's involvement, see Donald H. Estes, "Offensive Stupidity," *And the Struggle of Abe Tokunoske*, J. SAN DIEGO HISTORY, available at <http://www.sandiegohistory.org/journal/82fall/offensive.htm>.

<sup>4</sup> Founded in 1929, the Japanese American Citizens League was established as a pro-American organization working for civil rights on behalf of Japanese-Americans. Today, it is the largest and oldest Asian-American civil rights organization in the United States. See JAPANESE AMERICAN CITIZENS LEAGUE (May 20, 2011), [www.jacl.org](http://www.jacl.org).

The Army, however, refused to act on his December 1941 application; apparently the War Department was uncertain about whether a thirty-seven-year-old Nisei Reserve officer should be activated.

On 19 February 1942, as Tsukamoto waited to hear from the Army—he did not know that the War Department had refused to take action on his request for active duty—President Franklin D. Roosevelt signed Executive Order 9066. This order authorized the Army to designate military areas from which “any or all persons may be excluded”<sup>5</sup> and to provide transportation, food, and shelter for persons so excluded. Shortly thereafter, Lieutenant General (LTG) John L. DeWitt, commander of the Western Defense Command, issued proclamations dividing Arizona, California, Oregon, and Washington into military areas and ordering the re-location of Japanese-Americans into camps.

On 24 March 1942, recognizing that he was subject to LTG DeWitt’s order and believing that he would soon be called to active duty, Walt Tsukamoto requested that he be exempted from any forced re-location and that he be permitted to remain in his home in Sacramento. Not only did the Army deny Tsukamoto’s request, but Tsukamoto, his wife, their five children, his father, and his mother, were sent to a camp near Tule Lake on the California-Oregon border.<sup>6</sup> Ultimately, 120,000 men, women, and children of Japanese ancestry, two-thirds of whom were U.S. citizens, were involuntarily settled in ten camps located in desolate areas west of the Mississippi.

Despite his internment at Tule Lake, Tsukamoto’s desire to serve his country as a Soldier did not diminish. On 8 April 1942, he wrote to the Army a second time and requested active duty. In this letter, Tsukamoto stressed that he had “special qualifications in the knowledge of the Japanese language” and could “serve the Army in its evacuation and resettlement program of the Japanese.”<sup>7</sup>

On 15 April 1942, Tsukamoto received this reply from Headquarters, First Military Area, Presidio of San Francisco: “[O]fficers of the JAG Department are ordered to active duty . . . to fill vacancies when and where needed. . . . [Y]our tender of service is appreciated and same has been made a matter of record.”<sup>8</sup> The message was clear: There would be no active duty for CPT Tsukamoto.

<sup>5</sup> Exec. Order No 9066, C.F.R. 1092–1093 (1942).

<sup>6</sup> The Tule Lake camp was the largest of the relocation camps. Opened on 26 May 1942, it eventually held some 18,700 Japanese-Americans. The camp operated under martial law for a time (4 November 1943 to 15 January 1944) and was the last to close, on 28 March 1946.

<sup>7</sup> Letter from Walter T. Tsukamoto, to Headquarters, 1st Military Area, Presidio of San Francisco, subject: Extended Active Duty (Apr. 8, 1942) (Historian’s files, The Judge Advocate General’s Legal Center and School (TJAGLCS)).

<sup>8</sup> Letter from Captain Jeff J. Smith, Adjutant, Headquarters, 1st Military Area, Presidio of San Francisco, to CPT Walter T. Tsukamoto, subject: Active Duty (Apr. 15, 1942) (Historian’s files, TJAGLCS).

On 15 October 1942, Tsukamoto asked to be called to active duty a third time. In his request, he wrote that he was “most anxious to serve in the defense and prosecution of the present war against the Axis nations, particularly Japan.” The Army rejected this request a month later, on 10 November 1942; Walt Tsukamoto was informed that there was “no appropriate assignment . . . to which you might be assigned.”

Deciding that perhaps he should look outside the JAGD, Tsukamoto applied for active duty with the Military Intelligence Service (MIS) Language School located in Minnesota; this application also was rejected.

Then, on 28 January 1943, Secretary of War Henry L. Stimson announced that American citizens of Japanese extraction would be allowed to volunteer for service in the Army. This was the opportunity that Tsukamoto had been waiting for and the next day, on 29 January 1943, he requested active duty a fifth time. As he put it:

I have been a reserve officer continuously for the past 16 years and have at all times prepared myself to serve my country in time of need. I desire above all else to be permitted to serve in the present crisis and therefore respectfully and urgently request active duty assignment, either in my present branch or in any other branch in which I may be most useful to the United States.<sup>9</sup>

As a follow-up to this request, Tsukamoto sent a telegram a week later to the War Department in Washington D.C. The telegram was addressed to Secretary of War Stimson and read as follows:

I HAVE REQUESTED IMMEDIATE ACTIVE DUTY ASSIGNMENT TO MY COMMANDING GENERAL FIVE TIMES SINCE THE WAR BUT WAS ADVISED THAT MY JAPANESE ANCESTRY PRECLUDED SUCH ASSIGNMENT. I HAVE BEEN A RESERVE OFFICER CONTINUOUSLY SINCE 1927 AND MY SOLE REASON FOR BECOMING AN OFFICER WAS OF COURSE TO SERVE MY COUNTRY IN TIME OF NEED. MAY I BEG OF YOU TO BRING ABOUT MY IMMEDIATE ASSIGNMENT. MY WIFE AND 5 CHILDREN, ALL LOYAL

<sup>9</sup> Letter from Walter T. Tsukamoto, to Headquarters, Ninth Service Command, subject: Request of Immediate Active Duty (Jan. 29, 1943) (Historian’s files, TJAGLCS).

AMERICANS, JOIN WITH ME IN THIS  
REQUEST.<sup>10</sup>

Apparently it was this telegram that finally made a difference, as on 10 February 1943, Walt Tsukamoto received a letter from the War Department acknowledging receipt of his telegram and informing him that his request was being considered.<sup>11</sup>

While Tsukamoto was waiting to hear from the Army, other Japanese-Americans living alongside Tsukamoto and his family in the relocation camp, who despised him for his pro-American attitude, began making threats against him and his family.<sup>12</sup> Believing that both he and his family were in danger, the re-location camp authorities allowed Tsukamoto to re-locate to Cincinnati, Ohio, on 27 February 1943. His family followed shortly thereafter.

On 3 March 1943, having only just arrived in Cincinnati, Tsukamoto received the message he had been hoping for: a telegram from the War Department ordering him to report for a physical exam. Two days later, he was on active duty in the JAGD and reported for duty to the University of Michigan, where he joined the 10th Judge Advocate Officer Course as a student. Tsukamoto was the only Asian-American student in his class and, as a relatively senior CPT, outranked many of his classmates.

When he graduated in June 1943, Tsukamoto was assigned as the Legal Officer at the MIS Language School, Fort Snelling, Minnesota. He reported for duty on 10 June 1943. Because the personnel at the MIS Language School were principally Nisei who were being trained for interrogation, interpretation, and translation duty in the Pacific, and because Walter Tsukamoto spoke fluent Japanese, it made perfect sense for the JAGD to assign him there. For the next two years, Tsukamoto performed a wide variety of legal duties, including preparing and reviewing court-martial cases and serving as a claims officer. Tsukamoto's expertise in alien property rights was especially valuable "in the preparation of wills, powers of attorneys, real property and other legal matters for military

personnel prior to the departure for overseas assignment."<sup>13</sup> As his military records indicate, providing legal advice was "complex . . . since dependents of the enlisted men of Japanese descent have been evacuated from the Pacific Coast States."<sup>14</sup>

Tsukamoto excelled as a JA at Fort Snelling. His 31 December 1944 efficiency report described him as "a quiet, well-mannered officer who carries out his tasks well and faithfully. He has a pleasant personality and combines ability with tact and courtesy . . . [and] can always be depended upon to do his job well and without supervision."<sup>15</sup> His efficiency report for the following year likewise lauded his "tact and charm" and noted that Tsukamoto took "a whole-hearted personal interest in the welfare of the enlisted men of the command."<sup>16</sup>

Having been promoted to major (MAJ) in 1944, and with glowing efficiency reports, Tsukamoto was able to remain on active duty after World War II when many other JAs were discharged and returned to civilian life. After a brief assignment at the Presidio of Monterey, MAJ Tsukamoto deployed to the General Headquarters, Far East Command, in Tokyo, where he was assigned to the Military Affairs Division. For the next several years, he handled administrative and civil law matters and drafted legal opinions for his JA superiors. However, Tsukamoto also served as the law member (the forerunner of today's military judge) on general courts-martial and reviewed records of trial by military commissions in which death sentences had been imposed.<sup>17</sup>

His efficiency report for the period June 1947 to June 1948 reveals that, despite his sterling performance as an Army lawyer, his loyalty as an American citizen was still questioned by some of his fellow Soldiers. Brigadier General (BG) Franklin Shaw, the Staff Judge Advocate (SJA) of the Far East Command, and the "endorsing officer" (today's Senior Rater) wrote the following:

A neat, clean cut officer, of good  
appearance and address, professionally

<sup>10</sup> Telegram from Captain Walter T. Tsukamoto, to Sec'y of War Henry Stimson (Feb. 8, 1943) (Historian's files, TJAGLCS).

<sup>11</sup> Letter from Adjutant Gen., War Dep't, to Commanding General, Ninth Service Command, subject: Active Duty (Walter Takeo Tsukamoto) (10 Feb. 1942) (Historian's files, TJAGLCS).

<sup>12</sup> Many of these antagonistic Japanese Americans, known as Kibeis, were native born Americans who had been sent to Japan by their parents as children. Consequently, when they returned to the United States as young men and women, their sympathies were Japanese rather than American. However, some Nisei were also antagonistic toward Walt Tsukamoto and his pro-American outlook because they were angry about having been involuntarily removed from their homes and transported to re-location camps.

<sup>13</sup> Memorandum for The Adjutant Gen., from Major General Clayton Bissell, subject: Recommendation for Promotion to Major of Captain Walter T. Tsukamoto tab A (12 Dec. 1944)

<sup>14</sup> *Id.*

<sup>15</sup> War Dep't Adjutant Gen. Office Form 67, Efficiency Report, Walter T. Tsukamoto, 1 July 1944 to 31 December 1944 (31 Dec. 1944) (Historian's files, TJAGLCS).

<sup>16</sup> War Dep't Adjutant Gen. Office Form 67, Efficiency Report, Walter T. Tsukamoto, 1 July 1945 to 31 December 1945 (31 Dec. 1945) (Historian's files, TJAGLCS).

<sup>17</sup> Between February 1946 and October 1949, the U.S. Army tried 996 accused at military commissions in Yokohama, Japan; 854 were convicted. Major Tsukamoto reviewed some of the records of trial in which these accused were sentenced to be hanged. PHILIP R. PICCAGALLO, *THE JAPANESE ON TRIAL* 90 (1979).

able. His standards of conduct and citizenship, his legal ability, thoroughness, tact and sound judgment make him an exceptionally valuable judge advocate. *A Nisei who is a credit to his kind and the service. Long separation from his civil professional contacts, plus special problems confronting the American of Japanese antecedents in Japan, especially dependents, have had some discouraging effect, but he has met them manfully and I consider him outstanding as a citizen and soldier nevertheless.*<sup>18</sup>

While BG Shaw's words might seem patronizing to today's reader, their meaning is clear: Despite his proven loyalty as an American and outstanding performance in uniform as a JA, Walter Tsukamoto continued to suffer from racism and prejudice.

When MAJ Tsukamoto finished his tour in Tokyo in September 1950, his rater lauded him as "a mature officer . . . of good moral character. Friendly, intelligent, industrious, and exercises good judgment."<sup>19</sup> Colonel (COL) George W. Hickman, who would later serve as The Judge Advocate General (TJAG), wrote the following endorsement: "I agree with all remarks [of the rater] but also note that this Nisei officer is *intensely loyal* and ambitious."<sup>20</sup>

While Tsukamoto was in Tokyo, the North Koreans had into South Korea and war was raging on the Korean peninsula. He then deployed to Korea and joined X Corps in early October and, within a month of arriving, earned his first combat decoration: the Bronze Star Medal. The citation for this award covers the period of 2 October to 2 November 1950, and notes Tsukamoto's superb performance "as executive officer to the Corps Judge Advocate"<sup>21</sup> and "his invaluable assistance in forming and operating a War Crimes Division."<sup>22</sup> While it was not unusual for a line officer to be awarded the Bronze Star Medal for merit for a short time period during the Korean War, Tsukamoto's Bronze Star Medal for a thirty-day period of work as a staff officer is unusual.

Promoted to lieutenant colonel (LTC) on 12 December 1950, Walter Tsukamoto once again made history as the first Asian-American to reach this rank in the JAG Corps

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<sup>18</sup> U.S. Dep't of Army, Adjutant Gen.'s Office, AGO Form 67-1, Officer Efficiency Report, Walter T. Tsukamoto, 23 June 1947 to 30 April 1948 (23 Apr. 1948) (Historian's files, TJAGLCS) (emphasis added).

<sup>19</sup> U.S. Dep't of Army, Adjutant Gen.'s Office, AGO Form 67-1, Officer Efficiency Report, Walter T. Tsukamoto, 1 May 1950 to 30 September 1950 (30 Sept. 1950) (Historian's files, TJAGLCS).

<sup>20</sup> *Id.* (emphasis added).

<sup>21</sup> Headquarters, X Corps, Gen. Order No. 26 (11 Feb. 1951).

<sup>22</sup> *Id.*

(JAGC). He remained in Korea until 16 October 1951. As a senior ranking JA at X Corps, he "performed all duties of the Staff Judge Advocate and act[ed] in his place in his absence."<sup>23</sup> Lieutenant Colonel Tsukamoto also served as a law member at general courts-martial. While Tsukamoto did not participate in any fighting, he was close to the front lines and, consequently, was exposed to danger. In any event, when he returned to the United States, Tsukamoto left with a second Bronze Star Medal for meritorious service and another outstanding Officer Efficiency Report (OER).

Assigned to Sixth Army at the Presidio of San Francisco, Tsukamoto assumed duties as the Chief, Military Affairs Division. For the next four years, he prepared or supervised the preparation of opinions on such varied subjects as taxation, public utilities matters affecting the Army, and other similar civil and administrative law matters. But LTC Tsukamoto also spent considerable time as a law officer, as the new Uniform Code of Military Justice (UCMJ) was now in effect. His raters lauded his "versatile, logical mind" and his "sound knowledge of the rules of evidence, judicial temperament free of bias," and his "clear and logical thinking." His endorsers praised Tsukamoto as "loyal" and "likeable" and noted that his work was "uniformly of high caliber."<sup>24</sup>

In June 1955, LTC Tsukamoto travelled to Heidelberg, Germany, where he joined the JAGD, Headquarters, U.S. Army, Europe (USAREUR). He served as Executive Officer, worked in the Military Affairs and International Law Branch, and also served as a law officer at general courts-martial.

In February 1957, the Army notified now fifty-two-year old Tsukamoto that when he reached the mandatory retirement age of fifty-five, he would be released from active duty. This was a great blow to him because he had fewer than fifteen years of active duty and could not reach twenty years of active duty by the time he was fifty-five years old. Tsukamoto's superiors in the Corps, however, did not want to lose an officer of his talents. Consequently, they encouraged him to apply for an exception to the retirement age rule. He did and was informed by the Pentagon that he could remain on active duty until he had the twenty years necessary for retirement.

By this time, LTC Tsukamoto was widely known for his judicial bearing, temperament, and legal talents in court as a law officer. Consequently, in January 1958, when the JAGC

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<sup>23</sup> U.S. Dep't of Army, Adjutant Gen.'s Office, AGO Form 67-2, Officer Efficiency Report, Walter T. Tsukamoto, 1 October 1950 to 15 May 1951 (Historian's files, TJAGLCS).

<sup>24</sup> U.S. Dep't of Army, Adjutant Gen.'s Office, AGO Form 67-2, Officer Efficiency Report, Walter T. Tsukamoto, 18 November 1951 to 31 May 1952; U.S. Dep't of Army, Adjutant Gen.'s Office, AGO Form 67-2, Officer Efficiency Report, Walter T. Tsukamoto, 1 June 1954 to 28 July 1954 (Historian's files, TJAGLCS).

established a pilot “law officer program” to see if a more formal judicial organization should be created, Tsukamoto was one of fourteen senior JAs selected for the program. When this program was formalized as the “Field Judiciary Division” in January 1959, LTC Tsukamoto remained with it.

It was an extremely busy time for military justice practitioners in USAREUR—and for law officers like LTC Tsukamoto. From 25 May 1959 to 17 July 1959, for example, he served as the law officer on nineteen general courts-martial tried in Western Germany, France, and Italy.<sup>25</sup> Despite the long hours of travel and many extra hours in court, Tsukamoto performed his duties in an exemplary manner. Not surprisingly, when he received his first OER as a member of the Field Judiciary, his rater, COL Edward T. Johnson, wrote:

I consider Lt Col Tsukamoto to be the most outstanding officer of the entire group. He has a wonderful grasp of the technical aspects of his duty and his personality is such that he is able to carry out his judicial role without arousing the resentment of the prosecution, defense or command, but nevertheless insure a fair and impartial trial.<sup>26</sup>

Major General (MG) Stanley W. Jones, The Assistant Judge Advocate General, endorsed Tsukamoto’s OER. He wrote: “I concur in everything the rating officer has said. [Tsukamoto] is a man of rare intelligence and splendid character. He is highly respected by all who know him for his extremely highly professional skill as a law officer.”<sup>27</sup>

On 25 October 1960, Tsukamoto was promoted to full colonel, the first Asian-American to reach that rank in the Corps. His many years of loyal service had been rewarded and Tsukamoto no doubt looked forward to more years of service as an Army lawyer.

But it was not to be. His last OER had noted that LTC Tsukamoto “has a heart condition that somewhat limits his

physical capability,”<sup>28</sup> although the OER went on explain that this health issue “has not interfered in any manner with his performance”<sup>29</sup> as a judicial official. Unfortunately, his ailment was more serious than anyone imagined because, on 20 January 1961, COL Tsukamoto died of a heart attack in Germany. He was fifty-six-years old and his death was a shock to all who knew him, especially his wife and five children, who had remained in the United States while Tsukamoto was serving overseas.

In COL Tsukamoto’s final OER, the Chief of the Field Judiciary wrote that Tsukamoto “was, in every respect, the most outstanding . . . officer in the judicial field.” The Assistant Judge Advocate General, MG Robert H. McCaw, who endorsed the OER, wrote but a single sentence: “With Colonel Tsukamoto’s death, the Army has lost one of its finest officers.” In appreciation of his service to the Corps, MG McCaw recommended that Tsukamoto be posthumously awarded the Legion of Merit. This decoration was approved by the Army’s Deputy Chief of Staff for Personnel and was presented to his widow, Mrs. Tomoye Tsukamoto, in a ceremony at the Presidio of San Francisco in June 1961. A Soldier to the end, COL Tsukamoto was buried with full military honors at the military cemetery at the Presidio of San Francisco.

Looking back at COL Walt Tsukamoto’s sterling career in the Corps, it is clear that no JA loved America or the Army more. Today, when we celebrate the diversity of the United States, it is important to remember that Japanese-Americans like Tsukamoto suffered from prejudice, yet Tsukamoto apparently bore no ill will and was unwavering in his devotion to the United States and its promise of equality for all.

The author thanks Air Force judge advocate Col. Derek Hirohata for alerting him to the story of COL Walter Tsukamoto, and his help in preparing this Lore of the Corps article. A special thanks also to Mrs. Doris Tsukamoto Kobayashi for ensuring the accuracy of the personal details about her father.<sup>30</sup>

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<sup>25</sup> Letter of Commendation from Colonel Laurence W. Lougee, Area VII Judicial Officer, through Chief, Field Judiciary Division, to Lieutenant Colonel Walter T. Tsukamoto (17 Aug. 1959) (Historian’s files, TJAGLCS).

<sup>26</sup> U.S. Dep’t of Army, DA Form 67-4, Officer Efficiency Report, LTC Walter T. Tsukamoto, 1 May 1959 to 30 April 1960 (Historian’s files, TJAGLCS).

<sup>27</sup> *Id.*

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<sup>28</sup> *Id.*

<sup>29</sup> *Id.*

<sup>30</sup> See also *Colonel Walter Takeo Tsukamoto*, JAPANESE AM. VETERANS ASS’N, <http://www.javadc.org/tsukamoto.htm> (last visited May 24, 2011).