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NOTES

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At the time renunciation hearings were being held in said Center the government and its agents led the internees to believe and since then have led them to believe, by word and conduct, that renunciations were not final but were subject to being withdrawn and cancelled in like manner as requests for repatriation were subject to ~~withdrawing~~ withdrawal and cancelation and thereby ~~had~~ lulled them into a false sense of security.

1 TOM CLARK, Attorney General of the
2 United States; FRANK J. HENNESSEY,
3 United States Attorney of the Northern
4 District of California; JAMES F. BYRNES,
5 Secretary of State; FRED VINSON, Secretary
6 of Treasury; UGO CARUSI, Commissioner of
7 the United States Immigration and Naturaliza-
8 tion Service; IRVING M. WIXON, District
9 Director of the United States Immigration
10 and Naturalization Service of the Northern
11 District of California; JAMES E. MARKHAM,
12 Alien Property Custodian and IVAN WILLIAMS,
13 Officer in Charge, United States Department
14 of Justice, Immigration & Naturalization
15 Service, Tule Lake Center, Newell, Modoc
16 County, California

Defendants.

11 COMPLAINT TO RESCIND RENUNCIATIONS OF NATIONALITY, TO
12 DECLARE NATIONALITY, FOR DECLARATORY JUDGMENT AND FOR
13 INJUNCTION

14 Comes each of the plaintiffs above named complaining of
15 the defendants above named and for cause of action alleges:

16 I

17 This suit arises under the laws and the constitution of
18 the United States and particularly under the provisions of the 14th
19 Amendment of the Constitution and the provisions of Title 8 USCA,
20 sec. 601 (a), and Title 8 USCA, sec. 903, and Title 28 USCA, sec.
21 400, and this court has original jurisdiction to entertain the suit
22 by virtue of the provisions of Title 28 USCA, sec. 41(1), Title 8
23 USCA, sec. 903, and Title 28 USCA, sec. 400. The matter in con-
24 troversy exceeds, exclusive of interests and costs, the sum of
25 Three Thousand Dollars as to each plaintiff.

26 II

27 That defendant TOM CLARK is and at all times herein
28 mentioned was the duly appointed, acting and qualified Attorney
29 General of the United States; that defendant FRANK J. HENNESSEY
30 is and at all times herein mentioned was the duly appointed, acting
31 and qualified United States Attorney of the Northern District of
32

*and as such is the head of the U.S. Department
of Justice in said district*

1 California; that defendant JAMES F. BYRNES is and at all times
2 herein mentioned was the duly appointed, acting and qualified
3 Secretary of State; that defendant FRED VINSON is and at all times
4 herein mentioned was the duly appointed, acting and qualified
5 Secretary of Treasury; that defendant UGO CARUSI is and at all
6 times herein mentioned was the duly appointed, acting and qualified
7 Commissioner of the United States Immigration and Naturalization
8 Service; that defendant IRVING M. WIXON is and at all times herein
9 mentioned was the duly appointed acting and qualified District
10 Director, *of and head of the* United States Immigration & Naturalization Service,
11 *U.S. Department of Justice, for* the Northern District of California; that defendant JAMES E.
12 MARKHAM is and at all times herein mentioned was the duly appointed,
13 acting and qualified Alien Property Custodian and that defendant
14 IVAN WILLIAMS, is and at all times herein mentioned was the duly
15 appointed, acting and qualified Officer in Charge, United States
16 Department of Justice, Immigration & Naturalization Service, Tule
17 Lake Center, Newell, Modoc County, California

18 III

19 Each plaintiff is a person having Japanese ancestry, and
20 at all times herein mentioned has been domiciled in and a resident
21 of the United States, a native-born American, a citizen and national
22 of the United States and subject to the jurisdiction thereof, as
23 provided by the 14th Amendment of the Constitution, the provisions
24 of Title 8 U.S.Code, sec 601(a), and as defined in Title 8 U.S.
25 Code, sec. 501(a) and 501(b); none of the plaintiffs at any time
26 whatever has been and none is an alien enemy and none at any time
27 has been an alien; none at any time has been and none is a native,
28 citizen, denizen or subject of Japan or of any hostile nation,
29 government or country; none has at any time been and none is a danger
30 to the public peace or safety and none has at any time been accorded
31 a judicial hearing upon any charge or accusation that he or she was
32 or is such a danger and, on the contrary, the Department of Justice,

1 in 1945, made a finding and declaration that each plaintiff was not
2 hostile to and was not a danger to the public peace or safety; each
3 plaintiff at all times herein mentioned and ever since his or her
4 said birth in this country has been and now is loyal and devoted to
5 the United States; and, by virtue of the circumstances hereinafter
6 set forth, each is a resident within the jurisdiction of this
7 Court.

8 IV

9 That plaintiffs jointly and severally bring and maintain
10 this proceeding under the procedure ~~authorized in habeas corpus~~
11 ~~proceedings~~ and ~~the~~ practice conforming to the practice in actions
12 at law or suits in equity and pursuant to the provisions of Rules,
13 20, 23(1), 23(2), 23(3), 18(a), 18(b), 19(a) and 19(b) of the
14 Rules of Civil Procedure for the District Courts of the United
15 States, uniting and joining in this single petition for the
16 following reasons and purpose, among others, to-wit: (1) For the
17 convenience and interest of the plaintiffs and defendants; (2) to
18 promote the orderly, convenient and efficient administration of
19 justice; (3) to avoid and prevent a multiplicity of suits; (4) be-
20 cause plaintiffs jointly and severally assert rights to release and
21 discharge from the unlawful internment and detention in which they
22 are held and because their rights thereto arise out of the same
23 series of occurrences; (5) because there are several points of
24 litigation and questions of law and of fact arising in said pro-
25 ceeding that are common to each and all of them; (6) because said
26 proceeding is also a class action and the character of the rights
27 sought to be enforced for the persons and class of persons on whose
28 behalf the same is brought and those who hereafter may be joined as
29 plaintiffs herein is joint, common and several; and (7) because
30 there are common questions of fact and of law affecting the several
31 rights involved and a common relief is sought by each plaintiff
32 against defendants.

1 The questions and issues of fact involved herein which
2 are common to each and all of plaintiffs are: (1) Whether the
3 plaintiffs are native-born American citizens and nationals of the
4 United States or stateless persons or alien enemies, it being
5 apparent that if plaintiffs are not alien enemies their internment
6 was and is unlawful and they are entitled to immediate release there-
7 from, such internment and detention lawfully being applicable
8 only to alien enemies during the actual period of time in which the
9 United States is engaged in the prosecution of war and then only
10 provided the internment and detention of specified alien enemies
11 is commanded by the President of the United States and his authority
12 so to do is invoked under and arises from the Alien Enemy Act;
13 and (2) whether the renunciations of nationality signed by plaintiffs
14 are void and invalid as having been signed under duress, menace,
15 fraud and undue influence, as hereinafter alleged, and as having
16 been rescinded, the political status of the plaintiffs depending
17 upon a determination of the legality or illegality thereof;

18 Among the questions of law involved herein, which are
19 common to each and all of the plaintiffs herein, are the following,
20 to-wit: (1) The constitutionality and validity of Title 8 USCA
21 sec. 801 (1), and the nationality regulations adopted pursuant
22 thereto, on their face and as construed and applied to plaintiffs
23 who contend the same are unconstitutional and void for being re-
24 pugnant to the provisions of the 4th, 5th, 6th, 8th, 9th, 10th,
25 13th and 14th Amendments of the Constitution and to the following
26 provisions of the Constitution, viz., Article I, sec. 1; sec. 8
27 subd. 4; sec. 9, subd. 3; Article III, sec. 1, and sec. 3, subds.
28 1 and 2; and Article IV, sec. 2, subd. 1; and (2) whether the Alien
29 Enemy Act, Title 50 USCA, secs. 21 and 22, which defendants assert
30 was invoked against plaintiffs and under which defendants assert
31 plaintiffs were and are interned as alien enemies, was lawfully
32 invoked against them and was and is lawfully applied to them, and

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W. M. Collins
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1 the constitutionality and validity of said Alien Enemy Act on its
2 face and also as construed and applied to the plaintiffs who contend
3 the said Act was unlawfully invoked against them and was and is un-
4 lawfully applied to them and also that it is unconstitutional and
5 void on its fact and as construed and applied to them for being
6 repugnant to each of the aforementioned amendments and provisions
7 of the Constitution.

8
9 V

10 Each plaintiff, contrary to his or her will and desire,
11 is unlawfully interned, detained for the purpose of an involuntary
12 removal or deportation to Japan and restrained of his or her liberty
13 by the Officer in Charge, United States Department of Justice,
14 Immigration and Naturalization Service, at the Tule Lake Center,
15 situated within the jurisdiction of this Court, at Newell, Modoc
16 County, California, said Officer in Charge acting under the order or
17 orders of the Attorney General of the United States and presently
18 being one, Ivan Williams, defendant herein; and the said Attorney
19 General and said Officer in Charge, acting under his order or
20 orders, has announced and given notice of intention summarily to
21 remove and deport each plaintiff involuntarily to Japan;

22 The United States Department of Justice has publicly
23 announced the early closing of the said Tule Lake Center where
24 persons of Japanese descent and the plaintiffs, as such, heretofore
25 have been and now are detained by the Government, and has ordered
26 each plaintiff and all other persons of like ancestry, there
27 interned, who have signed applications for renunciation of U. S.
28 nationality, upon a mere notice of approval thereof being given by
29 an Assistant Attorney General of the Department of Justice, detained
30 and restrained of his or her liberty for deportation purposes and
31 has publicly announced that commencing on and after November 15,
32 1945, each plaintiff and all persons who have signed such renuncia-
tion applications will be forcibly removed and deported to Japan,

1 Commander of the Western Defense Command and Fourth Army, during
2 the year 1942, first was imprisoned in the immediate vicinity of
3 his or her then home, situated within the geographical area em-
4 braced by the Western Defense Command, then driven into and im-
5 prisoned in stockades called Assembly Centers, thereafter trans-
6 ported to concentration camps called War Relocation Centers and
7 there confined for approximately three years, and thereafter im-
8 prisoned in the Tule Lake Center, Newell, Modoc County, California,
9 said imprisonment having been continuous from 1942 to date, all
10 without a charge of crime or accusation of crime having been lodged
11 against any of them, and without any hearing having been given them
12 on the reasons for such treatment and in spite of the fact that the
13 Attorney General of the United States in 1945 caused each to be
14 notified that he or she had been found to be a person not dangerous
15 to the security of the United States;

16 That during the entire period of his or her unlawful
17 imprisonment, commencing in 1942, and continuing ever since, as
18 aforesaid, each plaintiff has been and still is deprived of
19 substantially all his or her rights, liberties, privileges and
20 immunities guaranteed by the Constitution to him or her as a native-
21 born citizen and national of the United States and subject to the
22 jurisdiction thereof, as also those guaranteed to him or her as a
23 person thereunder, said deprivations having been committed by
24 governmental authorities under a claim of color of authority of the
25 United States;

26 During the preceding period of 1945, at said Tule Lake
27 Center, each plaintiff signed an application for renunciation of
28 United States nationality, as provided for by Title 8, USCA, sec.
29 801 (1), and the Rules and Regulations adopted by the Department of
30 Justice under the Nationality act of 1940, as amended, said Rules
31 being more particularly designated as Sections 316.1 to 316.9, in-
32 clusive, of Chapter I, sub-chapter D, part D, of Nationality

1 Regulations; that none of said applications has been approved by
2 the Attorney of the United States, nor has he ever issued an order
3 approving any of them, as is required by Title 8, USCA, sec. 801(i)
4 and Rule 316.7 of the Nationality Regulations, before such becomes
5 effective; that each plaintiff has received a letter from a represen-
6 tative of the Department of Justice stating that his or her re-
7 nunciation has been approved by the Attorney General as not contrary
8 to the interests of the National defense, and informing each that
9 he or she no longer is a citizen of the United States and is not
10 entitled to any of the rights and privileges of such citizenship;

11 The signing of said applications for renunciation was
12 neither under oath nor real nor free nor voluntary on the part of
13 any of said plaintiffs but was caused by and was the result of duress,
14 menace, fraud, undue influence, mistakes of fact and of law and was
15 the product of the fear, coercion and intimidation under which each
16 then and there was held and subjected to and under which he or she
17 labored, all as hereinafter set forth;

18 In signing said renunciation applications, none of the
19 plaintiffs was informed, knew, intended or expected, by reason
20 thereof to be interned, detained and restrained of his or her
21 liberty as an "alien "enemy" or otherwise, and none was informed,
22 knew, intended, or expected that he or she would be involuntarily
23 removed or deported to Japan by reason thereof and, on the contrary,
24 was led to believe by the Government, its agents, servants and
25 employees, that the signing thereof was not final, but tentative,
26 and subject to being rescinded and revoked.

27 VII

28 The internment and detention of each plaintiff and the
29 restraint upon the liberty of each, as aforesaid, and the threatened,
30 imminent and impending involuntary removal and deportation of each
31 to Japan, as aforesaid, are, and each of said things, is, in viola-
32 tion of the Constitution and laws of the United States, as hereto-

1 fore stated, and deprives each of the due process of law guaranteed
2 by the 5th Amendment of the Constitution, in the following
3 particulars, to-wit:

4 A: The unconstitutionality and illegality of the in-
5 ternment and detention of each plaintiff and the restraint upon
6 his or her liberty;

7 (1) That none of the applications for renunciation
8 of nationality signed by plaintiffs has at any time whatsoever been
9 approved by the Attorney General of the United States nor has an
10 approval nor an order approving any of the said applications at any
11 time been made by him nor has he at any time passed upon or con-
12 sidered any of them as required by the provisions of Title 8 USCA,
13 sec. 801 (1), and by the provisions of secs. 316.1 to 316.9, in-
14 clusive, of Part 316, sub-chapter D. Chapter I of Nationality
15 Regulations, before a renunciation therein provided for becomes
16 effective;

17 (2) That at the time each plaintiff signed said
18 renunciation application the United States was engaged in the prosecu-
19 tion of a war and, by reason thereof, any approval of a renunciation
20 of nationality by any of the plaintiffs necessarily would have been
21 contrary to the interests of national defense and to the sovereignty
22 of the United States and violative of the ^{provisions} provisions of Article III, ✓
23 section 3, subdiv. 1 of the Constitution;

24 (3) That the hearing accorded each plaintiff upon
25 his or her application for renunciation was nothing but a perfunctory
26 pseudo-hearing or command appearance before a hearing officer des-
27 ignated by the then Attorney General of the United States and was
28 wanting in each and all of the elements of a fair and impartial
29 hearing, and in the incidents thereof, in that each plaintiff was
30 deprived of the benefits of independent advice and counsel and of
31 the assistance of counsel in and about said hearing, was denied the
32 right to be confronted by any evidence and to examine witnesses

1 against him or her or to produce witnesses in his or her behalf,
2 albeit none of the plaintiffs waived his or her rights thereto; that
3 at each such pseudo-hearing, the hearing officer's recommendation
4 on each application was based, either in whole or in part, upon
5 secret information and data available to and used by the hearing
6 officer but which was withheld, concealed and kept secret from each
7 plaintiff, as provided by the provisions of Section 316.6 of the
8 Nationality Regulations of the Department of Justice, and any
9 approval thereof, had any approval or order approving any of said
10 renunciations been issued or made by the Attorney General of the
11 United States, necessarily would have been based wholly or partially
12 thereon;

13 (4) The provisions of Title 8 USCA, sec. 801 (1),
14 are unconstitutional and void for uncertainty and also for con-
15 taining an improper delegation of legislative and judicial powers
16 to the Attorney General of the United States, in violation of the
17 provisions of Art. I, sec. 1, and Art. III, sec. 1 of the Con-
18 stitution.

19 B: The Unconstitutionality and Illegality of the Removal
20 and Deportation of Each of Plaintiffs:

21 (1) None of the plaintiffs is an alien enemy within
22 the intent, meaning and purview of the provisions of Title 50 USCA,
23 sec. 21, as aforesaid;

24 (2) No warrant for the deportation of any of the
25 plaintiffs has at any time issued from the President of the United
26 States or from any court, judge or justice, as is a prerequisite
27 to involuntary removal or deportation under Title 50, USCA, sec. 24;

28 (3) No complaint at any time whatever has been filed
29 against any of the plaintiffs, as required by Title 50, USCA, sec.
30 23, nor has any of the plaintiffs ever had a judicial hearing on
31 such removal or deportation, in any court of competent jurisdiction,
32 nor has any such court at any time issued any order of removal or

1 *deportation against any of the plaintiffs, all of which are*
2 of which are jurisdictional prerequisites to removal or deportation
3 in involuntary removal or deportation proceedings under the
4 said Alien Enemy Act;

5 (4) That none of the *plaintiffs*
6 reasonable period of time consistent with the public safety and
7 according to the dictates of humanity and national hospitality
8 within which to recover, dispose of and remove his or her goods
9 and effects and prepare for his or her departure, all as required
10 by Title 50 USCA, sec. 22, in involuntary removal or deportation
11 proceedings under the said Alien Enemy Act;

12 (5) None of the *plaintiffs*
13 none will be accorded any hearing with respect to his or her
14 said involuntary removal and deportation to Japan but summarily
15 will be removed and deported, as aforesaid, and in such summary
16 removal and deportation en masse without any hearing having been
17 given or intended to be given to *plaintiffs* and each of them
18 thereon prior thereto the *defendants* and the United States Depart-
19 ment of Justice have grossly discriminated against and do still
20 continue to discriminate against them and each of them in that
21 *defendants* and said Department of Justice heretofore have followed
22 the practice and policy and now do follow the practice and policy
23 of granting individual prior hearings in similar removal and
24 deportation proceedings to all persons of German and Italian
25 nationality whom the *defendants* and said Department of Justice
26 have sought to remove and deport and are seeking to remove and
27 deport under the provisions of the Alien Enemy Act; and said
28 discriminatory treatment meted to *plaintiffs* and each of them
29 denies them and each of them the equal protection of the laws
30 and deprived them and each of them of the due process of law
31 guaranteed them and each of them by the 5th Amendment of the
32 Constitution;

(6) That neither a declared nor an undeclared war

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now exists between the United States and any foreign nation or
government; that no invasion or predatory incursion is being
perpetrated, attempted or threatened against the territory of
the United States by any foreign nation or government; that the
United States is now at peace with the world;

W. H. Smith

VIII

21
22 That the defendants, and each of them, at all times herein
23 mentioned have treated and have threatened to treat and still treat
24 and threaten to treat and will continue to treat the plaintiffs,
25 and each of them, as alien enemies; that defendants and each of them
26 have threatened and still threaten to remove and deport plaintiffs
27 and each of them involuntarily and against their consent and desire
28 from the United States to Japan and they and each of them will so do
29 unless restrained and enjoined from so doing by order of this court;
30 and plaintiffs and each of them are informed and believe and there-
31 fore allege that the defendants and each of them threaten to, and
32 unless restrained and enjoined from so doing by this court, will
remove plaintiffs and each of them from the jurisdiction of this

1 court into parts of the United States unknown to them in prepara-
2 tion for said deportations to Japan; and plaintiffs are informed
3 and believe and therefore allege that unless restrained and enjoined
4 by order of this court the defendants will commence their deporta-
5 tions of plaintiffs on or about November 15, 1945.

6 WHEREFORE, plaintiffs pray for a temporary restraining
7 order, for an injunction pending suit and for judgment.

8
9 AS AND FOR A SECOND AND SEPARATE CAUSE OF ACTION, PLAINTIFFS ALLEGE:

10 I

11 Plaintiffs incorporate herein Paragraphs I to VI inclusive,
12 ~~and Paragraph VIII of said complaint~~ *III B (5) and their first cause of action* as if fully set forth in this
13 cause of action.

14 II

15 (1) The signing of the renunciation applications by each
16 plaintiff was neither under oath nor real nor free nor voluntary
17 but was caused by and was the result of duress, menace, fraud, undue
18 influence, mistakes of fact and of law and was the product of the
19 fear, coercion and intimidation under which each ~~was~~ *then* and there was
20 held and subjected to by the government and by group and gangs,
21 and by individuals, as hereinafter set forth:

22 (a) Commencing with their unwarranted and unjustified
23 evacuation from their homes in 1942, as aforesaid, and continuously
24 since then to date, the United States government, acting by and
25 through its agents, servants and employees, and as the jailor,
26 custodian and guardian of plaintiffs, its wards, has discriminated
27 and still discriminates against the plaintiffs and each of them
28 simply because of their descent from persons of Japanese origin
29 and, ever since their unlawful imprisonment in the vicinity of
30 their homes immediately preceding their said evacuation and con-
31 tinuously thereafter during their imprisonment in concentration
32 camps and during their internment in the Tule Lake Center, has un-
lawfully confined them and members of their families and subjected

1 them and members of their families there confined to governmental
2 duress, menace, fraud and undue influence and harassment and held
3 and still holds them in a continual mental state of fear and terror
4 simply because of their Japanese ancestry; the United States govern-
5 ment, pursuant to its said policy and program of discrimination and
6 in furtherance thereof, steadily and systematically has subjected
7 them ~~in~~ to a course of abusive treatment during said period of time;
8 pursuant to said policy and program it has, by said continuous
9 imprisonment without according them or any of them a hearing on the
10 reasons therefor, regarded, classed and treated them as though they
11 were alien enemies; all the males among them of draft age, including
12 the many who have served faithfully in our armed forces and hold
13 honorable discharges therefrom, the many others who were transferred
14 to and now are in the enlisted reserve and subject to being called
15 for active duty and the many who repeatedly have volunteered to
16 enlist in the Army but were refused and denied the right to serve and
17 to fight for and defend this country by prejudiced and hostile draft
18 boards and by draft boards denying them such rights upon governmental
19 orders and who are still denied this birthright, were classified
20 "4-C" under the Selective Training and Service Act of 1940, that is,
21 as "Alien Enemies", by draft boards acting upon governmental orders,
22 without good cause and without justification and in violation of
23 their rights as American citizens, simply because they were of
24 Japanese descent; by reason whereof, plaintiffs and all of said
25 persons of like descent likewise confined to said Center were led to
26 believe and feared and had good cause to believe and fear that the
27 Government of the United States viewed them as alien enemies and
28 desired and intended to deprive them of the right to remain in and to
29 fight for this country and to imprison them for an indefinite period
30 of time and thereafter to remove and banish them and their families
31 and all like descended persons from the United States; that the
32 government, after having encompassed their ruin by the aforesaid

1 evacuation and their subsequent continuous confinement, led
2 plaintiffs to believe that the alien Japanese members of their
3 families were scheduled and held for removal and deportation to
4 Japan and that the citizen members of said families would be detained
5 in this country and thereby caused alien parents, who feared the
6 splitting of their families, to coerce their citizen children into
7 signing renunciation applications, and led plaintiffs to believe
8 that the signing of said applications was a matter commanded by the
9 Government, compliance with which was a prerequisite to their right
10 and that of their families to remain in the protective security of
11 said Center and to prevent a disuniting of their families and to
12 save themselves and their families from physical harm and violence
13 were they to be released and sent back into civil life in communities
14 where hostility to persons of Japanese ancestry reigned and where
15 they feared they would suffer great physical harm and probable loss
16 of life from lawless elements; and the government very recently
17 has initiated the practice of permitting aliens to leave said Center
18 and return to their former homes while it holds their children who
19 have signed said renunciation applications for involuntary removal
20 and deportation to Japan and now also compels those who have been
21 released from confinement and those who were lucky enough to have
22 escaped it altogether, including those of our soldiers of Japanese
23 ancestry returning from the battlefields of Europe and the Pacific
24 who have parents, wives, sisters, brothers or children interned in
25 said Center and scheduled for deportation to Japan, to the choice
26 of an involuntary banishment from the United States to accompany them
27 to preserve family unity or to remain here separated from them; that
28 the signing of said applications and the pseudo-hearing held thereon
29 was a trap designed by the Government of the United States to cause
30 and result in the involuntary deportation of each signer to Japan and
31 of the involuntary removal of members of his or her family to Japan
32 and thus to result in a mass banishment of persons of Japanese descent

1 from the United States, which design and purpose, at all times
2 heretofore was withheld, concealed and kept secret from the signers
3 and plaintiffs; and, by reason of said governmental duress, menace,
4 fraud, and undue influence, and the threats, coercion and intima-
5 tion practiced upon each plaintiff and members of his or her family
6 each plaintiff was compelled by the government to sign a fictitious
7 renunciation of a citizenship of which each already, in fact, had
8 been deprived by the Government of the United States;

9 (b) That neither at the time each plaintiff signed
10 an application for renunciation at the pseudo-hearing held thereon
11 at said Center nor at any time prior thereto during his or her un-
12 lawful confinement, was he or she a free agent in any sense of the
13 words but then and there was unlawfully confined and restrained of
14 his or her liberty and was held in duress by the United States
15 government, its agents, servants and employees, as the jailor,
16 custodian and guardian of plaintiffs, its wards, and by it and its
17 agents, servants, and employees, knowingly was permitted to be exposed
18 and subjected to the duress, menace, fraud and undue influence
19 practiced upon and against each plaintiff by organized terroristic
20 groups and gangs of persons, likewise there confined, who were
21 fanatically pro-Japanese and committed to forsaking this country
22 and who were engaged in and allowed to engage in a continuous
23 campaign to engender, develop and promote loyalty to Japan among
24 the internees;

25 The said groups and gangs there were ^{engaged} ~~engaged~~ in and were
26 permitted to engage in a generalized campaign of lawlessness prior
27 to the time said renunciation hearings were held and at the time of
28 said hearings had established and then and thereafter maintained a
29 veritable rule and reign of terror over plaintiffs, their families
30 and internees residing in said Center; they preached and practiced
31 sedition; they endeavored, by all means at their command, to proselyte
32 to the cause of the enemy the plaintiffs, their families and other

1 loyal internees there residing; they actively engaged in the en-
2 gendering, development and promotion of loyalty to the cause of
3 Japan which they openly and notoriously espoused; they informed
4 plaintiffs that plaintiffs and their families were regarded by the
5 United States government as alien enemies and that it had scheduled
6 them and their families for deportation to Japan; they informed
7 plaintiffs and internees at said Center that innumerable acts of
8 physical violence had occurred to persons who had been relocated in
9 civil life and that their lives would be in jeopardy, because of
10 community hostility, if any succeeded in being returned to civil
11 life in this country; they threatened the plaintiffs and internees
12 that if any of them talked to, communicated with or associated with
13 any of the Caucasians in and about said Center those so doing would
14 be assaulted by goon-squads, gangsters and hoodlums sponsored and
15 commanded by them; they sent in spurious letters to the Department
16 of Justice requesting applications be forwarded to internees whose
17 names they signed to such letters and then informed the receivers
18 that the government demanded that each receiver sign it; they
19 maintained and operated schools in said Center to coach the victims
20 of their fraud, menace, deceit and undue influence into giving false
21 and untrue answers to questions the hearing officers were to propound
22 to them at the hearings on renunciation applications; they informed
23 plaintiffs, as did governmental announcements publicly made just
24 prior to the time said hearings were held in 1945, that the deporta-
25 tion of each plaintiff and that of alien members of his or her family,
26 on an exchange ship, was imminent and impending, and said groups and
27 gangs informed and threatened each plaintiff that he or she would be
28 deported in any event and that if he or she failed to sign an
29 application for renunciation the security of each and that of their
30 families ~~would~~ upon arrival in Japan would be endangered because the
31 pro-Japanese leaders of said nationalistic pressure groups and gangs
32 would report them to the Japanese government as being dangerous alien

1 enemies to Japan and as American spies and that they would there be
2 seized and punished as such; they maintained an elaborate system of
3 black-listing and espionage over the internees in said Center; that
4 said groups and gangs threatened, coerced and intimidated plaintiffs
5 into signing said renunciation applications by means of threats,
6 displays, shows, exhibitions and demonstrations of force and
7 violence and by threats against their lives and by threats of in-
8 flicting great physical injury upon them and upon members of their
9 families in the event he or she failed to obey their mandates and
10 to sign such renunciation applications and thereby compelled each
11 of them to sign such renunciation application; that each plaintiff
12 believed in and feared and had good cause and reason to fear that
13 said threats would be carried into execution and that he or she
14 and his or her family would be exposed to physical violence and
15 probably loss of life if he or she failed to heed said threats and
16 failed to obey the mandates of said pressure groups and gangs and
17 thereby was compelled to sign such renunciation application; that
18 by reason of said rule of terror prevailing over said Center which,
19 together with the failure of the government to take steps to prevent,
20 halt and put a stop thereto and to accord them protection against
21 the same, and by reason of the duress practiced by the Government
22 against them, as aforesaid, the plaintiffs and other internees in
23 said Center were kept in a constant state of fear, fright, mass
24 hysteria and terror and, by reason thereof, and because of the
25 absence of protection against the terroristic activities of said
26 groups and gangs being afforded by the government which was their
27 due many loyal and innocent internees were driven into becoming
28 nominal but inactive members of such groups simply to save them-
29 selves and their families from danger, physical violence and probable
30 loss of life from such sources, and plaintiffs were compelled in-
31 voluntarily to sign said renunciation applications by reason thereof;

32 That at all times during said rule and reign of terror

1 imposed upon the internees in said Center the United States
2 government, and its agents, servants and employees, were aware of
3 and knew of the purposes and activities of said groups and gangs
4 and of the duress, menace, fraud and undue influence said groups
5 and gangs practiced upon and against plaintiffs, members of their
6 families and other internees in said Center, but condoned the
7 same and was responsible for, and actually aided and abetted the
8 same by permitting such activities and by failing to prevent and
9 to stop the same and by failing to arrest and prosecute the leaders
10 and active members thereof and to put a stop to their criminal
11 activities and lawlessness and by failing to invoke the federal
12 sedition and espionage laws or other criminal laws against them
13 and by failing to segregate such criminal elements from the
14 plaintiffs and other loyal internees and to isolate them;

15 By reason of the duress, menace, fraud and undue in-
16 fluence practiced and exerted upon and against each plaintiff by
17 the government and by the groups and gangs, as aforesaid, and the
18 failure of the government to accord them the protection against the
19 aforesaid lawless acts of said groups and gangs, the plaintiffs
20 were caught in the grip of terror which ruled throughout said Center
21 and the wave of terror that engulfed them when they and members of
22 their families were confronted with a possible return to ~~fact~~ face ✓
23 hostility in the communities from which they had been excluded and
24 driven by the 1942 imprisonment program which was termed an evacua-
25 tion and was initiated by civilian exclusion orders issued by
26 General John L. DeWitt, as aforesaid;

27 That none of said renunciations was real, free or
28 voluntary on the part of any of plaintiffs, but each was the product
29 of fear, torment and terror induced in each plaintiff's mind by
30 virtue of the duress, menace, fraud and undue influence to which
31 each was subjected by the government and by the groups, gangs and
32 individuals, as aforesaid, all of which operated to deprive and

1 did deprive each plaintiff of freedom of choice, will and desire
2 in and about the signing of such applications for renunciation and
3 each of said renunciations was and is false, fictitious, null and
4 void by reason thereof;

5

1 (2) Prior to the time of the filing of this complaint
2 each plaintiff, twice in writing, notified the Attorney General of
3 the United States, his agents and representatives, and the
4 defendant ~~as one of his agents~~, of the circumstances under which he
5 or she signed such renunciation application, and that he or she
6 withdrew, retracted, rescinded, revoked, cancelled and annulled his
7 or her ~~said~~ application for renunciation of United States nationality
8 for the reasons that the same was signed under duress, menace, fraud,
9 undue influence and mistakes of fact and of law, as aforesaid, and
10 informed him and them of the grounds and reasons on which said
11 rescission and revocation was based and made but said Attorney
12 General failed and still does fail to accept said rescission
13 and revocation; that in each of said written notifications sent
14 to the Attorney General of the United States each of said plaintiffs
15 demanded of him ^{and them} and of defendant, Ivan Williams, as the aforesaid
16 Officer in Charge at said Tule Lake Center, that he or she be released
17 and discharged from said internment, detention and unlawful restraint
18 upon his or her liberty, asserting therein the various grounds and
19 reasons therefor, both factual and legal, but the Attorney General
20 of the United States, his agents and representatives, and Ivan
21 Williams, as the Officer-in-Charge of said Tule Lake Center, as
22 aforesaid, acting under his orders, ^{and said defendants} failed and refused and do still
23 fail and refuse to release and discharge each and all of said
24 plaintiffs from said internment, detention and restraint and
25 threatened removal or deportation to Japan; that a copy of the last
26 written demand so made by each plaintiff on November 1, 1945, by
27 registered air-mail letter, is annexed hereto, incorporated herein,
28 made a part hereof, and is marked Exhibit "1".

29 AS AND FOR A THIRD AND SEPARATE CAUSE OF ACTION, PLAINTIFFS ALLEGE:
30

31 I

32 Plaintiffs incorporate herein Paragraphs I to VI inclusive
and VIII of ~~said complaint~~ ^{their first cause of action} as if fully set forth in this cause of
action.

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WHEREFORE, the plaintiffs, and each of them, pray for a temporary restraining order and for an injunction pendente lite and for a permanent injunction prohibiting defendants, and each of them, their agents, servants, employees and representatives, and each of them, from removing the plaintiffs, or any of them, from the jurisdiction of this court and from removing or deporting them or any of them from the United States to Japan or to any foreign country, or from taking any steps in furtherance of any such removal or deportation, pending the final judgment in this suit; and each plaintiff prays that his or her said application for renunciation of United States nationality be ordered to be delivered up and cancelled and be declared null, void and of no effect; that any approval thereof made by the defendant Attorney General of the United States or order issued by him approving the same, if any ever was made, be cancelled and be declared null, void and of no effect; that it be declared and adjudged that he or she is not an alien enemy; that he or she be declared to be a national of the United States and a citizen thereof; that it be adjudged and decreed that he or she is a native-born citizen and national of the United States; that it be adjudged and decreed that his or her internment, detention and restraint is illegal and void and that each be ordered released therefrom; that any and all orders for his or her removal or deportation be ordered cancelled; for an order and judgment declaring his or her rights in the premises; that each have his or her costs of suit; and that each have such other and further relief as may be just.

Dated: November 5, 1945.

~~Attorney for plaintiffs~~
W.M. Collins
adds
or Att for plaintiffs
etc
see petition

1 UNITED STATES OF AMERICA)
2 STATE OF CALIFORNIA) SS
3 COUNTY OF MODOC.)

4 HARRY UCHIDA, being first duly sworn, deposes and says:

5 That he is one of the plaintiffs in the foregoing complaint named;
6 that he is confined and detained at the Tule Lake Center, Newell,
7 Modoc County, California, as alleged therein; that he makes this
8 affidavit and verification of said complaint on his own behalf
9 as such a plaintiff and on behalf of each and all the plaintiffs
10 in said complaint, each of whom likewise is confined and detained
11 at said Tule Lake Center by defendants, as alleged therein, and
12 each of whom has authorized him so to do, and because it is
13 impracticable to have the same verified by each of them by reason
14 of the aforesaid confinement and detention of each, their large
15 number and the long period of time which would be required and be
16 consumed to have such done and because of the shortness of time
17 due to the threatened and imminent involuntary removal and deport-
18 ation of each and all of said plaintiffs, as alleged therein; that
19 he personally knows the facts set forth in said complaint which
20 apply equally to each and all of said plaintiffs; that he has
21 read the foregoing complaint and knows the contents thereof; that
22 the same is true of his own knowledge except as to the matters
23 therein stated upon information or belief and as to such that he
24 believes it to be true.

25
26 _____
Harry Uchida

27 SUBSCRIBED and SWORN to before me
28 this _____ day of November, 1945.

29 _____
30 Notary Public in and for the County
of Modoc, State of California.

WHEREFORE, the plaintiffs, and each of them, pray for a temporary restraining order and for an injunction pendente ^{and for a permanent injunction} lite prohibiting defendants, and each of them, their agents, servants, employees and representatives, and each of them, from removing the plaintiffs, or any of them, from the jurisdiction of this court and from removing or deporting them or any of them from the United States to Japan or to any ~~from~~ foreign country, or from taking any steps in furtherance of any such removal or deportation, pending the final judgment in this suit; and each plaintiff prays that his or her said application for renunciation of United States nationality be ordered to be delivered up and canceled and be declared null, void and of no effect; that any approval thereof made by the defendant Attorney General of the United States or order issued by him approving the same, if any ever was made, be canceled and ~~be~~ be declared null, void and of no effect; that it be declared and adjudged that he or she is not an alien enemy; that he or she ~~be~~ be declared to be a national of the United States and a citizen thereof; that it be adjudged and decreed that he or she is a native-born ~~American~~ citizen and national of the United States; that it be adjudged and decreed that his or her internment, detention and restraint is illegal and void and that each be ordered released therefrom; that any and all orders for his or her removal or deportation be ordered canceled; ^{for the order and judgment declaring his or her rights in the premises} that each have his or her costs of suit; and that each have such other and further relief as may be just.

Dated November 5, 1945.

WAYNE M. COLLINS,
1721 Mills Tower,
San Francisco, 4, Calif.
Garfield 1218.

~~Wayne M. Collins~~

Attorney for Plaintiffs.

1 UNITED STATES OF AMERICA,)
2 STATE OF CALIFORNIA,) SS.
3 COUNTY OF MODOC.)

4 Harry Uchida being first duly sworn, deposes and says; that
5 he is one of the petitioners in the foregoing application and
6 ~~petition~~ ⁱⁿ for writ of habeas corpus named; that he is confined
7 and detained at the Tule Lake Center, Newell, Modoc County,
8 California, as alleged therein; that he makes this affidavit and
9 verification of said application and petition on his own behalf
10 ~~and as such petitioner~~ as such an applicant and petitioner and on
11 behalf of each and all the applicants and petitioners in said
12 application and petition, each of whom ~~is~~ likewise is confined and
13 detained at said Tule Lake Center by the respondent, as alleged
14 therein, and each of whom has authorized him so to do, and ~~has~~
15 because it is impracticable to have the same verified by each ^{of them}
16 ~~petitioner~~ by reason of the aforesaid confinement and detention
17 of each, their large number and ^{the long} ~~by reason of~~ the period of time
18 which would be required and be consumed to have such done and
19 because of the shortness of time due to the threatened and immi-
20 nent involuntary removal and deportation of each and all of said
21 petitioners, as alleged therein; that he personally knows the
22 facts set forth in said application and petition which apply
23 equally to each and all of said petitioners; that he has read the
24 foregoing ~~petition~~ application and petition and knows the contents
25 thereof; that the same is true of his own knowledge except as to
26 the matters therein stated upon information ~~and~~ or belief and as to
27 such that he believes it to be true.

28 _____
29 Harry Uchida

30 subscribed and sworn to before me
31 this ____ day of November, 1945,

32 _____
Notary Public in and for the County
of Modoc, State of California.

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TULE LAKE

Yoshio Ebisu
 James Haruo Ego
 George Fujimoto
 Tamotsu Fujimoto
 Kazuma Fukunaga
 Namio Hama
 Haruto Harada
 Akio Harauchi
 Frank Yutaka Hayashida
 Shigeki Hiura
 Akinobu Horuchi
 Roy Ibusuki
 Michiko Iida
 Kenichi Imamura
 Raizo Inagaki
 Daiso Inazu
 Hiromi Inouye
 Miyeko Inouye
 George Ishikawa
 Kimiye Ishikawa
 Hiroshi Kato
 Takashi Kimoto
 Ichiji Kimura
 Harutoshi Kitamura
 Emiko Kobayashi
 Sakaye Henry Komiya
 Yasuo Kunimasa
 Kenichi Kurashige
 Toshio Kunishige
 Setsuo Kuromiya
 Sadako Kuryoe
 Hideo Masumoto
 Masao Matsuda
 Matsuo Matsuda
 Kazuto Matsuura
 Minoru Mayeda
 Masayoshi Miyazaki
 Tokuichi Nagato
 Harumi Nakamura
 Yasuto Nakanishi
 Toshimitsu Nakashima
 Susumu Naoye
 Minoru Nehira
 Tetsuo Niimoto
 Tadashi Nishimori
 Makio Nojima
 Sadao Oki
 Minoru Alfred Okine
 Motomi Bill Okine
 Masami Osako
 Koichi Sagara
 Takaichi Sakai
 Itsuo Sakata
 Seiji Sasaki
 Sato Sakai
 Yoshio Shiho
 Tadayoshi Shimakawa
 Misato Soeda
 Toshio Soeda
 Nao Sugiyama
 Torao Sumi
 Toshio George Takagaki
 Mikio Takai
 Seiichi Takemoto

Yoneo Tanaka
 Yukio Tanji
 Frank Jiro Tatsukawa
 Haruye Tokuno
 Nobutsugu Tokuno
 Kazuo Tsujimoto
 Sachiye Uyemaruko
 Tetsuji Uyemoto
 Yoshikiyo Wada
 Hideto Yamada
 Tetsuo Yamamoto
 Robert Yamaoka
 Morihiko Yoshioka
 Riichiro Yoshioka
 Takeshi Yoshizaki
 Minoru Yuzuki
 Yukio Fujimoto

TULE LAKE

Shinichi Jimmy Aoki
Torao Asari
Nobuko Goya
Shiroji Hamachi
Jisho Higa
Mitsuo Hirata
Shigeo George Hirata
Bill Takumi Horikawa
Masayo Izuhara
Masato Kameoka
Hideo Kaneshiro
Toshimitsu Kaneshiro
Ken Kasukabe
Tetsuichi Kato
Osamu Ted Kobayashi
Minoru Kosako
Mitsuo Kunimura
Yoshito Kunimura
Bob Tsuyoshi Kurosaki
Kazuo Kusano
Tomomi Kusunoki
Yaeko Masuoka
Ben Tsutomu Matsumoto
Masami Matsumoto
Yutaka Mita
Kiyoshi Mori
Hiroshi Nagaoka
Masao Nakama
Isamu John Nakata
Isamu Nishimoto
Shigeru Oshiro
Yoshiko Sakuma
George Sasaki
Shoso Shintaku
Kazuma Sugioka
Ansho Takushi
Anso Uezu
Hiromi Uno
Tamotsu Uyeji
Masao Uyehara
Minoru Yoshida
Hiroshi Uyeda