

16:19

TOKUDA , Yaeko

1955-1961

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C O P Y

THE FOREIGN SERVICE
OF THE
UNITED STATES OF AMERICA

REGISTERED
RETURN RECEIPT REQUESTED

American Embassy, consular division

2 Aoi-cho, Akasaka,
Minato Ku, Tokyo,
March 1, 1955.

Mrs. Yaeko Tokuda,
1128 Zoshigaya 6--chome,
Toshima ku, Tokyo.

Madam:

There is enclosed a copy of the Certificate of the Loss of the Nationality of the United States executed at the Embassy on December 8, 1954 which has been approved by the Department of State.

A Notice regarding your privilege of appeal is enclosed, too.

Very truly yours,

Signed
Edith A. Stensby
American Vice Consul

221
TCF 17; X 54; 100

NOTICE

You are hereby notified that you have the privilege of appealing to the Board of Review of the Passport Office, Department of State, with regard to the decision that you have lost your American nationality. Your appeal must be based on other than hardship or humanitarian grounds; otherwise, it cannot be entertained.

If you have new or additional evidence to submit, or if you have legal grounds for believing that your case merits reversal of the decision, you may present the appeal through an American Foreign Service office or a duly authorized attorney or agent in the United States. No formal application for reconsideration need be made but a statement should be submitted, preferably under oath, giving the grounds of appeal and should be supported by such documentary evidence as may be available.

tcf-j-1; IV 54;

AFFIDAVIT OF IDENTITY

STATE OF CALIFORNIA)
) ss.
COUNTY OF SANTA CLARA)

I, HENRY HIROMICHI HOSHINO, first being duly sworn,
depose and say that:

I am a citizen of the United States by reason of
birth at Seattle, Washington, on October 1, 1912; I reside at
11856 Selo Drive, Sunnyvale, California;

The photograph which is attached below under notari-
al seal is a photograph of YAEKO HOSHINO TOKUDA, who is my
sister. The photograph bears an unmistakeable likeness to
her. My sister was born at Tacoma, Washington, and we lived
in the United States for about two years before our parents
took us to Japan. We lived together in Japan for about eleven
years. I last saw my sister at Hachijo Island, Japan, where
I was temporarily residing when my said sister came to visit
me in 1939. Shortly thereafter, in 1940, I departed from
Japan for the United States.

My sister, Yaeko, was born at Tacoma, Washington on
February 8, 1915, and is a citizen of the United States. To
the best of my knowledge and belief, she has never performed
any act which causes loss of American citizenship.

She is making application to the American Consul,
Fukuoka, Japan, to establish her claim to American citizen-
ship and I now make this affidavit for the purpose of estab-
lishing her identity.

WITNESS MY HAND this 27th day of September, 1954.



Henry Hiromichi Hoshino
Henry Hiromichi Hoshino

Subscribed and sworn to before me
this 27th day of September, 1954.

Leah M. K...
Notary Public

速達

広島市 新広島ホテル内

米市民救援委員会

中村哲次郎 弁護士 様

高野虎市

様

日本郵便



速達

560

豊島区雑司が谷

スウーエー

徳田治夫

Chrys

What are contents of
the letters in Tyrannus

Insulated on yellow sheet - cut

Translation of letter written in Japanese--^{c.w.}

Letter to Thor TK

My name is Haruo Tokuda and Yaeko Tokuda is my mother.
Each of us lost our U.S. citizenship though the reason differs.
My mother was a U.S. citizen by virtue of her birth in the
State of Washington, U.S.A. She lost her U.S. citizenship
by voting in Japan, having been completely ignorant of the fact ^{that}
by so doing she thereby would ~~lose~~ ^{lose} U.S. citizenship.
I would like to know whether or not she has a chance of regaining
her citizenship and moreover, would like to be informed as to
~~what~~ what procedures she must take to recover her citizenship.

Tokuda, Haruo: born February 7, 1936, in the South Pacific,
Island of Saipan.

Being the son of Yaeko Tokuda, a U.S. citizen, I acquired my
U.S. citizenship through derivation but having been unable
to return to the United States before reaching the age of 16,
(though ~~ix~~ at the age of 17 or 18, I made claim for my U.S.
citizenship) I thereby lost my U.S. citizenship.

This was due to the fact that I was ignorant of the fact that
I had to return to the U.S. before 16 years of age. Do you
think I can recover my citizenship? I would like to be
informed of the ~~the~~ necessary procedures to follow and
any documents I should have.

Dated: June 2, 1957

1128 Zoshigaya, 6 chome
~~Tokyo~~ Toshima Ku, Tokyo, Japan

Tokuda, Haruo

私は徳田治夫 (TARUO TOKUDA) と申します

今日六月二日毎日新聞にて米国市民権回復願申出での記事と拜見しました。

私の母徳田八重子 (YAEKO TOKUDA) もとして私も理由は違いますが米国市民権を喪失した一人なので、今回の記事を見てぜひ思い申出でた次第です。

左記は米市民権を失った理由を順にのべました。

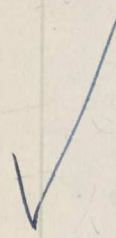
母 徳田八重子

北米合衆国ワシントン州生

左中の宣誓口供書の通りであります。

そして選挙券によつて市民権を失はう事をしらず選挙致し市民権をなくしました。通知書の通りです。

しかし母といふは全然その様は事としらずにやつた事なので、選挙は昭和二十七年以前に行なつたものであります。



此の母の市民権を回復する事が出来ますか否か。又
必要は書類等、手續、方法等、知らせて頂きますれ
ばこれ以上早せは事は御在居ません。
ぜひ御力ぞ之下さい

徳田治夫

ニッ

昭和十二年二月七日 南洋サバニ島生

前記の母ハ重子が米國生れにしてその子供は当然米國市
民権を与えられますがナスオニに本國に歸する事
に異がつかず十七か十八の時に市民権を請求したので
すがナスオニに米國に歸之て居ませくために市民
権を失くしました。

これはナスオニに歸する事を知らず時期をはずして
しまつたのです。が市民権を回復する事が出来ます
でしょうか？
必要は書類、方法等、御知らせ下さい。

03

右の通り相違ありませんが至急連絡まで
御返事を御待ち致します。

東京都豊島区雑司が谷町

六丁目一ー二八番地

徳田治夫 迄

昭和三十三年三月二日



\$ 500.00,

Tokyo, Japan

August

, 1957.

For Value Received I promise to pay to Wayne M. Collins, or order, the sum of Five Hundred (\$500.00) Dollars, in lawful money of the United States of America, at San Francisco, California, on demand, with interest thereon from the date of demand, in like lawful money of the United States of America, at the rate of six per cent per year until paid and, in case suit is instituted to collect this note or any portion thereof, I promise to pay such additional sum as the Court may adjudge reasonable as attorney's fees in said suit.

(Strandee)

Yacko Tokudo

Yacko Tokudo.
1128. 6 chome Jochigaya
Takeshi maki. Tokyo.

QUESTIONNAIRE FOR STRANDEES

Please read this questionnaire carefully and then print, type or write your answers legibly to the following questions.

- a. State your fully name. Yaeiko Tokieda
- b. Male? Female? yes Maiden Name? Noshino
- c. Birth place? Tacoma, Washington Birth date? 2/8/1915
- d. Was your name ever registered with a Japanese Consulate for the purpose of reserving your Japanese nationality? yes
When? soon after birth Where? South Japanese Consulate
- e. Have you ever renounced Japanese Nationality? none When?
Where?
1. What schools did you attend in Japan? Nashijo Shima Shogakko;
Saitama, Urawa machi - Where? Tokyo-taka, Japan
Kashimadai. Miyazaki sacho jyo Kakko
State the years you attended those schools. 1922 - 1930;
1930 - 1933.
2. State the periods you visited Japan and the purposes of each visit.
1918 - when I was 3 years of age.
When did you last return to Japan? 1918
Why did you return to Japan? parent had originally planned to
return to Japan for a visit, but remained permanently in Japan.
3. Did you have a U.S. Passport at the time you last went to Japan? I do not
think so
Have you that passport now? none What became of it?

What other documents did you then have to establish your identity as a U.S. citizen? certified copy of birth
Do you have those documents now? no What became of them?
American Consulate at Tokyo Did you then have a visa from a Japanese consul? I do not think so Have you that vise now? none
What became of it?
4. Did you then have a Japanese passport? none Do you have it now?
What became of it?
5. Why were you in Japan when the war started on Dec. 7, 1941? I was
married, and I felt I could ever return to United
States
What was your occupation in Japan when the war started on Dec. 7, 1941?

I was in Saipan as my husband was working on a sugar plantation. Where were you then living in Japan? Rota Island - near Saipan.

6. Are you married or single? presently widowed What is the name of your spouse (wife or husband)? Kozo Tokuda was my former husband. Where does your spouse (wife or husband) live? he passed away 12/21/1950 at Tokyo, Japan When were you married? 4/4/1934 Where were you married? Saipan What is the citizenship of your spouse (wife or husband)? Japanese national Where was your spouse (wife or husband) born? Tokyo, Japan Name and address of your father? Minosuke, Weshima -

now deceased Of what country is he a citizen? Japan

Name and address of your mother? Kayue

Weshima - now deceased Of what country is she a citizen? Japanese national

7. Names, birthdates and birthplaces of each of your children? _____

Narus Tokuda - 2/7/1936 at Saipan;
Nirushi Tokuda - 4/20/1938 at Saipan;
Keiko Tokuda - 1/2/1941 at Rota Island
Menoru " 5/28/1943 at Rota Island.

RE. VOTING

8. Since returning to Japan have you voted in any elections? yes about
Where? Tokyo - to - Years you voted? 1952 - twice April, 1952
In what elections? Tokuma yakusho

Why did you vote in those elections? educated + Shuginin committee
didn't like / would like US citizenship. It was considered compulsory. From Tokuma yakusho (was instructed to vote), and only those who were ill were excused.

9. Did you receive any instructions to vote? yes From what sources? Tokuma-ku yakusho. Were the instructions printed? _____

yes What Allied military officers told you to vote? none
Did you vote because of printed instructions of the Army of occupation? _____

What were you told would happen to you if you didn't vote? _____

What did you believe would happen to you if you didn't vote? _____

10. What Japanese officials instructed you to vote? orders were issued by
the election official & ward official relayed it to me
Were those instructions
printed ones? yes Verbal? also if he ascertained they sent circulars continuously

11. State the names and addresses of the neighbors who told you to vote about were in one election
same

What did they tell you would happen to you if you didn't vote? _____

12. What did you believe or fear would happen to you if you didn't vote? I would be punished in some (Lose ration card? yes)
manner - as fine It was still on ration
such as rice, flour,
oil, fish,
RE: KOSEKI REGISTRATION

13. Was your name registered in a family Koseki in Japan? yes
When? at time of birth Where? Seattle, Calif By whom? father
Did you personally apply to be registered
ed in a Koseki? no When? _____ Where? _____
Where did you go to apply to be registered? _____
When? _____ Why did you apply to be registered? _____

14. If someone other than you personally registered your name in a
Koseki state who it was who registered you. Minoru Koshino
What relation is that person to you? father
Why were you registered in a Koseki? I do not know

15. Were you registered in a Koseki since your last return to Japan because
if you were not registered you would not have been given a ration card?
no or would not have been given an address to receive
mail? _____ or would have been punished, and, if so, by whom?
_____ and why? _____

Were you registered because of fear that if you weren't you would suffer
in some form? _____ such as would not be issued a ration card?

State what other reasons caused you to register.

RE: CONSCRIPTION

16. Were you conscripted in the Japanese armed forces? none

When? _____ In what branch of service? _____

What was your address at the time you were conscripted? _____

_____ With whom were you then living? _____

What was your occupation at that time? _____

Name and address of your employer at that time? _____

Place where you then were working _____

If you were attending school at that time state the name of the school _____

State type of school _____

Were you then single? _____ Married? _____

17. What was the first notice you received that you had to register for the draft under the Japanese draft law? _____

Was it a written notice? _____ Verbal notice? _____

What was the date of that notice? _____ Have you that notice? _____
(If so, attach it to this questionnaire). What did that notice instruct you to do? _____

18. Where did you report to the draft authorities? _____

Were those draft authorities civilians? _____ or Japanese military authorities? _____ Were you given a medical examination by the draft authorities? _____ Where? _____ When? _____

What other notices did you receive from the draft authorities? _____

State whether you received those notices by mail or whether they were personally delivered to you. _____

19. Did you inform the Japanese civilian draft authorities that you were a U.S. citizen? _____ When? _____ Where? _____

Who was present? _____

If you told that personally to a civilian draft officer state the name of the officer and his title _____

What is his present address? _____

What did he say to you when you stated you were a U.S. citizen? _____

Will he be willing to give you an affidavit stating those facts? _____

20. Did you inform the Japanese military draft authorities that you were a U.S. citizen? _____ When? _____ Where? _____

If you told that personally to a Japanese military draft officer state the name of the officer and his grade or rank, _____

What is the present address of that officer? _____

Will he be willing to give you an affidavit stating those facts? _____

21. If you didn't tell the civilian or military draft officers that you were a U.S. citizen why didn't you do so? _____

What did you fear would happen to you if you told him (or them) you were a U.S. citizen? _____

Were you afraid to tell the conscripting civilian officers -- or military officers -- that you were a U.S. citizen? _____ Why? _____

22. Did you tell the civilian conscripting officers that you did not wish to serve in the Japanese armed forces? _____ When? _____

Where? _____

To what officers did you tell that? _____

_____ State their names and addresses _____

Will they be willing to give you affidavits stating that fact? _____

23. Did you tell the military authorities -- or civil authorities -- that you did not wish to serve in the Japanese armed forces? _____

When? _____ Where? _____

To what officers? _____

_____ State their names and present addresses _____

Who was present at the time? _____

Will any of them be willing to give you an affidavit stating the fact you notified those authorities you did not wish to serve in the Japanese armed forces? _____

Did you write any letters to the civilian or military draft authorities stating that you were a U.S. citizen and not subject to conscription in the Japanese forces? _____ Date of letter _____

(If you did, attach a copy of that letter to this questionnaire.)

What did you fear would happen to you if you refused to be conscripted?

24. Did you fear you would be punished by the Japanese civil authorities for refusing to obey the draft law? _____ What penalty or punishment did you fear you would be subjected to if you refused? _____

25. Did you fear also that the Japanese military authorities would punish you if you refused to be conscripted? _____ What punishment did you fear they would subject you to? _____

26. Did you apply for a deferment, postponement or delay of your conscription? _____ When? _____ Where? _____
To what office? _____ Did you do this verbally? _____
_____ in writing? _____ (If in writing attach a copy of that letter or memorandum to this questionnaire.) If you haven't a copy state the language and contents of that letter or memorandum _____

Were you afraid to apply for a deferment, postponement or delay in your conscription? _____ Why? _____

What did you fear would happen to you if you did? _____

What answer were you given to this request? _____

Was it a verbal answer? _____ Was it a written answer? _____

(Attach a copy of your written answer to this questionnaire.) If you haven't a copy state the substance of that answer _____

27. Did you make a second request for deferment, postponement or delay? _____

When? _____ Where? _____

To whom and to what office? _____

What answer did you receive? _____

Was this answer verbal? _____ written? _____ (Attach the letter or copy of the answer you received.)

28. What date were you conscripted (drafted) into the Japanese armed forces? _____

Where were you conscripted? _____

What was your first rank or grade in the armed forces of Japan? _____

29. Were you required to take an oath of allegiance to Japan at the time of conscription? _____ Where did you serve in the Japanese armed

forces? _____ Did you receive any promotions in the Japanese armed forces? _____ When? _____

To what rank or grade? _____

Did you take an oath of allegiance to Japan at the time of promotion? _____

How long did you serve in the Japanese armed forces? _____

When were you released from services in the Japanese armed forces? _____

While in the service did you participate in any skirmish or battle against the U.S. armed forces? _____ Against what other Allied armed forces did you participate in any skirmish or battle? _____

Where? _____

In what battles? _____

Did you surrender and were you a prisoner of war? _____

When? _____ Where? _____

To what U.S. or Allied troops? _____
When were you released from detention? _____
Where were you when released? _____

RE: APPLICATION TO RETURN TO U.S.

30. Before or after war first broke out on Dec. 7, 1941, did you apply to a U.S. Consul or the U.S. Embassy in Japan to return to the U.S.? no
When? _____ Where? _____
To what consulate or embassy? _____
Did you apply to the Swiss, Swedish or other consular or diplomatic office to send you back to the U.S.? none When? _____
Where? _____ To what office? _____
What answer did you receive? _____
31. Before war broke out on Dec. 7, 1941, or afterward, did you apply for boat passage to return to the U.S.? none When? _____
Where? _____ To what company or office did you apply for transportation to return to the U.S.? _____
Did you make that application orally? _____ Did you make it in writing? _____ (If it was in writing attach a copy of your letter or application for such passage to the U.S.) Did you receive booking on any boat that was to take you to the U.S.? _____
On what date were you to sail? _____ From what port? _____ Name of ship? _____
If you didn't apply for passage to return to the U.S. state why you didn't do so. I was in Naha with my husband & family, and I would be separated from my husband as he was a Japanese national and cannot reenter United States

RE: APPLICATION FOR INTERNMENT

32. Did you apply to the Japanese authorities during the war to be interned as a U.S. citizen? none When? _____
Where? _____ To what office did he apply? _____

What answer did you receive to your request? _____

Was the answer a verbal one? _____ Was it in writing? _____

(If in writing, attach the letter or memorandum to this questionnaire.)

If you do not have a copy of the letter or memorandum, state in substance what the writing stated. _____

RE: REGISTRATION AS ALIEN IN JAPAN

33. Before, during or since the war have you been registered as a U.S. alien in Japan? none When? _____ Where? _____
- Were you registered with a U.S. Consul or U.S. Embassy in Japan as a U.S. citizen? _____ When? _____ Where? _____
- Were you required to report to the Japanese police? _____
- When? _____ Where? _____ How often? _____
- Did the police visit you? _____ When? _____
- Where? _____ How often? _____

RE: EXPATRIATING ACTIONS

34. Have you ever filed with any office in Japan any affidavit or statement claiming or stating that you were a Japanese citizen? none
- When? _____ Where? _____
- For what purpose did you file that? _____
- Have you ever applied for or received any benefit or right in Japan that is granted only to Japanese citizens? none When? _____
- Where? _____ What was the right or benefit you were applying for? _____ Did you receive that right or benefit? _____ When? _____
35. Have you ever applied to a Japanese government office or officer for a Japanese passport? none When? _____
- Where? _____ Did you receive it? _____

When? _____ For what purpose did you use it? _____

What became of that Japanese passport? _____

36. Have you, since returning to Japan in 1946 been naturalized as a Japanese citizen? none If so, what steps did you take to become naturalized as a Japanese citizen? _____

To what office did you make that application? _____

When? _____ Where? _____

Were you naturalized? _____ When? _____

What document did you receive showing you were naturalized? _____

Date of that document? _____

37. Have you, since returning to Japan been employed by the Japanese Government or any agency of the Japanese Government? none

If so, name the office by which you were employed and the dates of your employment _____

RE: SERVICE TO U.S.

38. Have you worked for the United States Government or Allied Military authorities while in Japan? none For what service? _____

In what capacity? _____ Where did you perform your work? _____

Dates of your employment _____

39. Have you ever served in the armed forces of the U.S.? _____

In what branch? _____ When? _____

Period of service _____

Where did you serve? _____

Date you received an Honorable Discharge _____

Serial No. _____ What other members of your family (father, children, brothers, or sisters) served in the armed forces of the U.S.? none

40. State their names, relationship and branch of the armed forces in which they served or are serving _____

RE: OTHER DATA

41. What is your occupation now? office work - Shinjuku Bldg,

Where do you work? Nishi-Fudogaya Kouri

What property do you own in Japan? Tokyo, Japan

Nature of that property? none

Estimated valuation of that property? _____

42. Name of your nearest relative in the U.S. and address 608 19th Street

Brother Reiki Hoskins - Seattle, Washington

Brother Norimichi Hoskins - 11856 Sola Drive

To what address do you intend to return to in the U.S.? Sunnyvale, Calif.

2 mothers above

43. Have you filed an application with a U.S. Consul in Japan for a U.S.

passport? yes.

When did you file it? 2 or 3 yrs ago.

With what U.S. Consul did you file it? Tokyo Consulate

(Attach a copy of the application you filed with the U.S. Consul) 2 Aoi Cho, Akaraka - Minatoku

What reasons did the U.S. Consul give you for refusing to issue you a

passport? 2 elections in 1952 caused an early

expatriation - see the file for copy - 3/1/1955

(Attach the letter of refusal the U.S. Consul sent to you.)

44. Did you take an appeal from the Consul's refusal? none

When? _____ (Attach a copy of that appeal to this

questionnaire.) What decision was made on that appeal? _____

(Attach a copy of that decision to this questionnaire.)

Date: August 12, 1957

Yoshida
Signature

1128 - Zoshigaya 6-chome
Toshima-ku, Tokyo, Japan
Address

none
Telephone Number

WAYNE M. COLLINS
Attorney at Law
Mills Tower, 220 Bush Street
San Francisco 4, California

November 13, 1957

Mrs. Yaeko Tokuda
1128 Zoshigaya 6-chome,
Toshima ku, Tokyo,
Japan

Dear Mrs. Tokuda:

The U.S. Supreme Court in Washington, D.C., recently heard re-arguments it had ordered to be made in three cases pending before it testing the law passed by Congress which provided that service by a U.S. citizen in a foreign army was an act of expatriation costing such persons loss of U.S. citizenship. A final decision and opinion probably will be handed down by the Supreme Court within the next three months time.

It is possible that the Supreme Court may decide in those cases that the U.S. law which provides that service in a foreign Army costs a U.S. citizen his U.S. citizenship may be void on its face or as applied for being contrary to the U.S. Constitution. It is also possible that it may decide that a U.S. citizen who was drafted into the armed forces of Japan during the war did not obey voluntarily but only under the compulsion and duress of the draft law of Japan which provided for punishment for violations of that draft law.

Therefore, until the U.S. Supreme Court decides the cases now pending before it and which it has taken under submission it is best that no immediate steps be taken by you to obtain a U.S. passport. If the Supreme Court decides the cases favorably it is possible that a U.S. Consul thereafter may issue a U.S. passport to you without further complications. Therefore, I suggest that you wait patiently until the Court decides those cases and I will notify you promptly of its decision and of its effect on your citizenship status and if it then becomes necessary for you to take legal steps to have your U.S. citizenship determined I shall inform you and proceed to take the necessary steps.

Very truly yours,

WAYNE M. COLLINS

ATTORNEY AT LAW
MILLS TOWER, 220 BUSH STREET
SAN FRANCISCO 4, CALIFORNIA

TELEPHONE GARFIELD 1-1218

Wm. J. Collins
1133 Broadway
New York 10036

Wm. J. Collins

May 13, 1958

Mrs. Yaeko Tokuda
1128 Zoshigaya 6-chome,
Toshima ku, Tokyo,
Japan

Dear Mrs. Tokuda:

On March 31, 1958, the U. S. Supreme Court held in the case of Perez v. Brownell that an American citizen who votes in a "political election" in a foreign country loses his U.S. citizenship if he voted voluntarily even though he did not know he would lose his citizenship by so voting. However, if the voting was caused by duress, coercion or undue influence it was involuntary and would not cause him to lose U.S. citizenship.

To prove that your voting was involuntary the State Department will require evidence that you voted under duress, coercion or undue influence. It will require a statement from you, under oath, stating the reasons why you voted. Affidavits from other persons having knowledge of the fact that you were forced to vote and that you voted because of fear of punishment if you didn't can be used to support your statement.

If you voted because you were notified or heard that General MacArthur or SCAP or the U.S. or Allied military officers had ordered all residents in Japan to vote and you believed and feared that if you didn't vote that you would be punished for violating military orders your voting was involuntary. (The State Department also may take the view that voting in Japan while it was occupied by the Allied Powers did not constitute voting in a "political election" in a "foreign state".) If you voted because Japanese municipal officers notified you and you believed and feared that you as a resident must vote or be punished under Japanese law or by order of the Occupation authorities, your voting was involuntary. If you voted because you were notified by the Occupation authorities, or by Japanese civil authorities or by Japanese neighbors that you would be deprived of a ration card if you didn't vote and you believed and feared you would be deprived of a ration card and might starve if you didn't vote your voting was involuntary. If you were notified to vote and you voted because of other fears of what would be done to you or what would happen to you if you failed or refused to vote your voting was involuntary.

If you already have applied to a U.S. Consul in Japan for a U.S. passport or you are about to do so it will be necessary for you to make a complete statement to the Consul, under oath, revealing the reasons why you were compelled to vote. In that statement you must explain the fears that drove you to vote in order to prove to the Consul that you were under threats or mental pressure to vote

and that your voting was involuntary because it was caused by your fear of some form of punishment being inflicted upon you if you didn't vote, such as punishment by the Occupation military authorities, or by the Japanese police or other civil authorities, or by the loss of some right such as being deprived of a ration card.

You must keep a written copy of any statement you make or have made to the U.S. Consul which explains the reasons why you voted and you should send a copy of it to me.

If the U. S. Consul and the State Department can be convinced by your own statement, under oath, supported if possible by affidavits of other persons acquainted with the facts, that you voted because of your fear of punishment in some form from the Occupation authorities or from the Japanese authorities or your fear of the loss of a ration card the State Department should hold that you did not lose your U.S. citizenship and should issue a U.S. passport to you. (If the State Department denies you a U.S. Passport an application thereafter can be made for a Certificate of Identity to enable you to return to the U.S. to have a U.S. District Court decide whether or not you lost your citizenship by voting in Japan.)

I would thank you to let me know by return mail whether you have applied for a U.S. passport and, if so, what decision the Consul has made on it.

Very truly yours,



WMC:ss

McC

Brief to argue

"Dead city" had right to
vote, as doesn't relate
to regulation of foreign
affairs or involve US
in disputes w. Japan

also re child of
opponent

Typed 7/24/58 ds

AFFIDAVIT OF YAEKO TOKUDA

I Yaeko Tokuda^A, nee hoshino, ~~maeda~~ presently living at 1128 Zoshigaya, 6-chome, Toshima-Ku, Tokyo, Japan, was born at Tacoma, Washington, U.S.A. on February ~~in~~ 8, 1915.

When I was three years of age my parents took me to Japan with them for a visit. They had planned to return to the United States but remained in Japan and, ~~in~~ in consequence, I had

On April 4, 1934, to stay there with them. ~~in~~ I was married to Kozu Tokuda who was a Japanese national ~~and he passed away in Tokyo in 1950~~ at Saipan. My husband worked at Kota Island near Saipan.

~~My mother and father are dead. My husband, these children~~

My mother and father are dead. My husband, ~~these children~~ three minor children and I were in Saipan when Japan started the war on Dec. 7, 1941. There was no way for me to leave Saipan or get out of the jurisdiction of the Japanese government.

~~My~~

I was dependent upon my husband and so were our three small children. Finally we were ~~allowed~~ sent to Japan proper and lived in Tokyo. My husband passed away in Tokyo on Dec, 21, 1950. I had no money and had four children to support and there was no way for me to leave Japan and go to the United States. I was stranded.

In 1954 I applied to the U.S. ~~Embassy~~ Embassy in Tokyo, Japan, in 1954, for a U.S. ~~passport~~ passport but it was denied because of my having ~~not~~ voted ~~in~~ twice in Japanese elections in 1952, ~~for educational and shugun committees~~. I did not know that such voting would affect my U.S. citizenship. That voting ~~was compulsory~~ ^{for Japanese citizens and dual citizens} had ~~was compulsory~~ was compulsory. The Toshima yakuba informed me that ~~I had to vote~~ ^{we were considered a citizen because of my dual citizenship and} that it was compulsory and that only those residents who were ill and couldn't go and vote were excused.

Those orders were issued by the election officials and the ward officials relayed the orders to us ~~and~~ to vote and also I received ~~two printed notices~~ two printed notices to appear and vote. I was told and believed that a failure to vote on my part

or a fine
would result in punishment/as it would be violating the law
and also that it would cost me my right to ~~essential~~ rations

~~and I was not allowed to vote~~

such as, rice, flour, oil, fish, etc., and as we were still on

~~rations~~ ^{in 1952} and those rations were essential to sustain me and

my children I did not dare refuse to vote and be punished or

financed and lose my ^{right to rations} ~~rations, for rations were essential to~~

~~sustain life in those days.~~

Yaeko Tokuda, nee Hoshino

Subscribed and sworn to before me this ____ day of _____,
1958.

Mr C

To

Answer these

Letters

WAYNE M. COLLINS
ATTORNEY AT LAW
MILLS TOWER, 220 BUSH STREET
SAN FRANCISCO 4, CALIFORNIA
TELEPHONE GARFIELD 1-5827

July 25, 1958

Mrs. Yaeko Tokuda
1128 Zoshigaya, 6-chome
Toshima-ku, Tokyo, Japan

Dear Mrs. Tokuda:

Enclosed find a proposed affidavit which I have prepared for you from the material and questionnaire that you sent to me. I would thank you to read the affidavit and if there are any errors contained therein I would thank you to let me know what those errors are immediately by airmail and I will prepare a new affidavit for you.

However, if the affidavit contains a true and correct statement of the facts, I would thank you to take it to the nearest U.S. Consul and there sign it in the presence of the U.S. Consul and swear to it and have the Consul sign the same and attach his seal. Thereupon you should return it to me and I will forward it to the Passport Review Board in Washington, D.C., along with an appeal and brief on appeal from the Consul's previous denial to you of a U.S. passport and his issuance to you of a certificate of loss of U.S. nationality.

Inasmuch as the U.S. Consul and the State Department originally refused to issue you a U.S. passport because you had voted in elections in 1952, it would be necessary to convince them that if you did not participate in the voting in 1952 that you would have been subject to some form of punishment or that you would have been deprived of some right such as the right to rations which would jeopardize your safety.

The U.S. Consul and the State Department have the view that there were ample food supplies in Japan in 1952 and that the population no longer had to have ration cards and were not on rations. Therefore, I would thank you to inform me by return letter whether you actually had a ration card for yourself and also ration cards for your children in 1952. I would thank you also to inform me whether or not you received rations on your ration card in 1952 up to and after the time you voted. I would thank you also to inform me whether or not your children received rations on their ration cards in 1952 up to and after the time you voted. I would also thank you to inform me of the name of any person or persons who in 1952 on or about the time that you voted in that election told you that if you did not vote that you would be punished or be deprived of your ration card or lose your rations or the rations of your children. I am enclosing a Japan airmail letter bearing the above questions which I would thank you to answer and send to me promptly.

Very truly yours,



WMC:fd
Encs

Mrs. Yaeko Tokuda:

1. Did you have a ration card for yourself in 1952? _____
2. Did you have a ration card for your children in 1952? _____
3. Did you receive rations on your ration card in 1952 up to and after the time you voted? _____
4. Did your children receive rations on their ration cards up to and after the time you voted? _____
5. Did any person or persons in 1952 at the time or about the time that you voted tell you that if you did not vote that you would be punished? _____ If so, please state their names and addresses _____

6. Did any person or persons in 1952 at the time or about the time that you voted tell you that if you did not vote that you would be deprived of your ration card or lose your rations or the rations of your children? _____ If so, please state their names and addresses _____

(JAPAN AIRLETTER ENCLOSED WITH LETTER TO MRS. TOKUDA, 7/25/58)

AFFIDAVIT OF YAEKO TOKUDA

I, Yaeko Tokuda, nee Hoshino, presently living at 1128 Zoshigaya, 6-chome, Toshima-ku, Tokyo, Japan, was born at Tacoma, Washington, U.S.A. on February 8, 1915.

When I was three years of age my parents took me to Japan with them for a visit. They had planned to return to the United States but remained in Japan and, in consequence, I had to stay there with them. On April 4, 1934, I was married to Kozu Tokuda who was a Japanese national at Saipan. My husband worked at Kota Island near Saipan. My mother and father are dead. My husband, three minor children and I were in Saipan when Japan started the war on December 7, 1941. There was no way for me to leave Saipan or get out of the jurisdiction of the Japanese government. I was dependent upon my husband and so were our three small children. Finally we were sent to Japan proper and lived in Tokyo. My husband passed away in Tokyo on December 21, 1950. I had no money and had four children to support and there was no way for me to leave Japan and go to the United States. I was stranded.

In 1954 I applied to the U.S. Embassy in Tokyo, Japan, for a U.S. passport but it was denied because of my having voted twice in Japanese elections in 1952. I did not know that such voting would affect my U.S. citizenship. That voting was compulsory for Japanese citizens and dual citizens. The Toshima yakuba had informed me that I had to vote as I was considered a citizen because of my dual citizenship and that it was compulsory and that only those residents who were ill and couldn't go and vote were excused. Those orders were issued by the election officials and the ward officials relayed the orders to us to vote and also I received two printed notices to appear and vote. I was told and believed that a failure to vote on my part would result in punishment or a fine as it would be violating the law and also that it would cost me my right to essential rations such as rice, flour, oil, fish, etc., and as we were still on rations in 1952 and those rations were essential to sustain me and my children, I did not dare refuse to vote and be punished or fined and lose my right to rations.

Yaeko Tokuda, nee Hoshino

Subscribed and sworn to before me this _____ day of _____, 1958.

AFFIDAVIT OF YAEKO TOKUDA

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Yaeko Tokuda, nee Hoshino

Subscribed and sworn to before me this _____ day of _____, 1961.

AFFIDAVIT OF YAEKO TOKUDA

I, Yaeko Tokuda, nee Hoshino, presently living at 1128 Zoshigaya, 6-chome, Toshima-ku, Tokyo, Japan, was born at Tacoma, Washington, U.S.A. on February 8, 1915.

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Yaeko Tokuda, nee Hoshino

Subscribed and sworn to before me this _____ day of _____,
1958.

TOKUDA, YAEKO, nee HOSHINO
STRANDEE

Hironichi Hoshino
11856 Selo Dr.
Sunnyvale, Calif.

Dear Mr. Collins

It was very nice of you to write to my sister in Japan (Yaeke Tokuda) about her regaining her U. S. Citizenship.

She now has two of her sons in U. S. as U. S. citizen and she is not worried a bit about her eventual residence in U. S. However we are in no position to ask your help, so please do not go ^{financially} into any further trouble about this matter.

I thank you again for your kind letters.

Very sincerely,

H. Hoshino

P. S. My sister doesn't read English and sent your recent letters to me.

June 2, 1961

Haruo Tokuda
apt # 2
20534 Fremont Road
Sunnyvale Calif, U.S.A.

Wayne M. Collins
Mills Tower, 220 Bush Street
San Francisco 4, California

Dear Mr. Collins

I enclose this letter which I had received from you for three years. I do not think it is necessary for me to explain the situations which is concerning with my mother. Once my uncle cancelled your requirement, but now, we will be grateful to you if you will work for us. Would you please let me know how much chances we still have?

Sincerely yours,

Haruo Tokuda

ENCL \ R.T.

October 11, 1961

Mr. Haruo Tokuda
20554 Fremont Road, Apt. #2
Sunnyvale, California

Dear Mr. Tokuda:

You wrote me some time ago concerning the status of your mother. For your information I wish to inform you that your mother engaged my services and executed a promissory note in which she agreed to pay me the sum of \$500.00 in an attempt to recover her citizenship. After sending her a lengthy questionnaire for her to answer and after making provision to translate certain documents, I prepared for her an affidavit to execute before a U.S. Consul in Japan. Had she done so at that time in 1958, it is my opinion that I would have prevailed and recovered her citizenship. Subsequent thereto I received a letter from Hiromichi Hoshino informing me that your mother was not the least bit worried about her eventual residence in the U.S. and requesting me not to go "into any further trouble about this matter."

For your information I wish to inform you, however, that since the middle of 1960 the State Department and our Consular officials have taken the view that under the provisions of Section 349(b) of the Immigration and Naturalization Act of 1952 a person who has resided in a country for a period of ten years or more before voting in a foreign country is barred from asserting that his voting was caused by duress. (That law creates a conclusive presumption that a person who has resided abroad for a period of 10 years and then votes did not vote because of duress). Consequently, inasmuch as your mother had resided in Japan for a period in excess of 10 years prior to the time that she voted in 1952, the State Department would refuse to recognize her as a U.S. citizen and refuse to issue her a U.S. passport. It is possible that the legislative act passed by Congress creating a conclusive presumption ultimately may be held to be unconstitutional by the U.S. Supreme Court but unless and until it does the ruling of the State Department would stand and the State Department would refuse to recognize your mother's U.S. citizenship and to issue her a passport.

I wish to direct your attention to the fact that a man named Antonio Cafiero of Jersey City, in the latter part of 1960 or in the early part of 1961, commenced a law suit against the U.S. Immigration Service in an attempt to have that provision of the law declared to be unconstitutional. It probably will take two or three

Mr. Haruo Tokuda

-2-

October 11, 1961

years for that case to reach the U.S. Supreme Court for a decision on the legal question involved. Even if that law ultimately is ruled to be unconstitutional, the Immigration Service and the State Department still would assert as against your mother that her voting in 1952 was not caused by duress because the U.S. Consul and the State Department take the view that there were ample food supplies in Japan in 1952 and that the population no longer were required to have ration cards and were not on ration^s.

I am enclosing herewith, in lieu of the affidavit which I prepared for her in 1958, a new affidavit which is precisely the original I had prepared for her in 1958 with the exception of the fact that the year 1961 is inserted in the new form. There is a remote possibility that if your mother will take the affidavit and sign and swear to it at the office of the U.S. Consul, that the U.S. Consul in Tokyo or the official in the U.S. Embassy there conceivably might make a favorable ruling on her behalf. In consequence I suggest that you send the enclosed affidavit to your mother and instruct her to execute it before a U.S. Consul in Japan or an official at the U.S. Embassy in Tokyo and see what ruling they make thereon.

In the event that an unfavorable ruling is made by the U.S. Consul or Embassy in Tokyo, I wish to inform you that you, as well as your brothers and sisters who are U.S. citizens, may apply to the nearest U.S. Immigration Office in the U.S. to have your mother enter the U.S. as an alien for permanent residence purposes and she will be entitled to a preference on the quota list. You can make such an application for your mother at the U.S. Immigration Office at 630 Sansome Street in San Francisco.

If your mother returns to the U.S. as an alien lawfully admitted for permanent residence purposes she will become eligible to be naturalized as a U.S. citizen five (5) years after a lawful entry into the U.S.

Very truly yours,

WMC:ss
Enc.